

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

DAVID KRIEGER, ANDREW
KRIEGER, JAMES SPERLING,
and MARGARET SPERLING, *et al.*

Hon.

Case No.

Plaintiffs,

vs.

United States of America,

Defendant.

COMPLAINT

Introduction

This case arises out of the May 19, 2020, Edenville Dam disaster occurring on the Tittabawassee River north of the City of Midland, Michigan. Plaintiffs' homes and property were destroyed in the flooding caused by the failure of the dam. The Federal Government, through decades of negligence and failure to act in accordance with its own statutory obligations, was a major contributing factor to this disaster. This lawsuit seeks to hold the Federal Government accountable for the damages it caused by its unconscionable conduct.

In 1993, the Federal Energy Regulatory Commission (“FERC”) recognized that the Edenville Dam posed a substantial risk to Michigan residents and property owners living downstream from the dam. At that time, FERC ordered the then-owner and operator of the Edenville Dam to make immediate improvements to the dam to prevent a catastrophic breach or flood downstream. Without these repairs and upgrades, the Edenville dam was a dangerous instrumentality.

In 2006, FERC, through its gross incompetency and deliberate indifference, transferred the license to operate this dangerous dam to a new owner, Boyce Hydro Power LLC (“Boyce”). FERC, in transferring the license to operate, had a mandatory duty to ensure that this known dangerous instrumentality would be operated safely. Indeed, FERC had already established the dam’s dangers in 1993 under the previous owner and knew that Boyce was taking control of a dam that posed an imminent threat.

After the Edenville dam failed on May 19, 2020, FERC Chairman Neil Chatterjee was called before members of Congress on June 18, 2020. Chatterjee admitted that FERC had issued a license to Boyce to operate the Edenville Dam without complying with its mandatory statutory obligation to first determine if Boyce could manage, operate, and maintain the dam safely. FERC’s failure to vet Boyce was another direct cause of this disaster because, if FERC had performed

its required due diligence, FERC would have determined that Boyce did not have the financial ability, competency or good faith motivation to make the dam safe or to protect the residents and property owners living downstream. Therefore, by FERC's own standards, Boyce was not qualified or eligible to operate a dam categorized as High Hazard.

For fourteen years after Boyce acquired its license, FERC allowed Boyce to defy numerous orders to make the dam safe. FERC knew that the Edenville dam was categorized as a High Hazard dam and a dangerous instrumentality, and it negligently entrusted this dangerous instrumentality to a recalcitrant, dishonest, under-capitalized, and incompetent operator.

On May 19, 2020, because of FERC's negligence, thousands of Michigan residents and property owners downstream suffered substantial property harm, and in some cases catastrophic injuries, when the dam breached and water generated a 25-foot wave and ensuing flood.

FERC also had a mandatory duty to ensure that Boyce complied with all safety and emergency regulations. FERC, aware of the predicted rainstorms moving into the Midland Region, knew of the dangers at hand and had the authority to order a drawdown of the reservoirs behind the Smallwood, Secord and Sanford Dams. If FERC had ordered drawdowns before May 20, 2020, the collapse of the Edenville Dam would have been prevented. FERC's negligence

in refusing to order a drawdown and fulfilling its monitoring duties also contributed to the damages alleged in this lawsuit.

FERC's negligence in this case spans multiple decades, dam owners, and Federal Administrations. The constants are FERC's statutory responsibility and the deteriorating condition of the dam that endangered the property and bodily integrity of the surrounding communities.

Jurisdiction, Venue, Parties and Exhaustion of Administrative Remedies

1. Plaintiffs are property owners who experienced and continue to experience property damage and personal injuries caused by FERC's negligence in fulfilling its mandatory duties with regard to issuing a license for operation of the Edenville Dam and monitoring compliance with safety and emergency regulations by the Dam's operator.

2. This Court has subject matter jurisdiction over the Defendant because the United States of America is sued pursuant to the Federal Tort Claims Act, 28 U.S.C. § 1346(b) (1).

3. Venue is proper in cases involving tort claims against the United States of America where the Plaintiff resides or where the act or omission complained of occurred. 28 U.S.C. § 1402(b); 32 C.F.R. 759.32(a).

4. The acts and omissions complained of occurred in this Judicial District.

5. On June 22, 2021, Plaintiffs, through their counsel, submitted a SF 95 administrative claim to the Federal Energy Regulatory Commission (“FERC”) for personal and property damages arising out of the FERC’s negligent handling of Boyce as the operator of the hydroelectric dams at issue.

6. On September 27, 2021, counsel for Plaintiffs received an letter from Anton Porter, Executive Director of FERC, denying the administrative claim.

7. This lawsuit is timely filed within 6 months of the first notice of the denial of the administrative claim.

STATEMENT OF FACTS

History of FERC’s Transfer of its License to Boyce and its 27-year Knowledge that the Edenville Dam was a Dangerous Instrumentality

8. Wolverine Power Corporation (“Wolverine”), a dissolved corporation, was a Michigan corporation that originally held the FERC license to operate the Edenville Project/Dam. Wolverine also owned the properties on which the Edenville Dam and other dams were located.

9. In an August 6, 1993 letter from the Commission’s Office of Energy Projects, Division of Dam Safety and Inspections, Chicago Regional Engineer

(“Regional Engineer”) to Wolverine, FERC advised that the spillway capacity of the Edenville Project did not meet the Commission's guidelines for passing the amount of water known as “probable maximum flood” (“PMF”).

10. FERC was aware of this life-threatening deficiency in the Dam’s spillway capacity for almost 27 years prior to the May 19, 2020 Edenville Dam disaster.

11. From 1993 to the day the Edenville Dam collapsed on May 19, 2020, FERC knew the unrepaired dam was a dangerous instrumentality.

12. Synex Energy Resources Ltd., a subsidiary of Synex Power, Inc., reportedly acquired the real estate assets of Wolverine, including the Edenville Project, in a foreclosure proceeding in 2003. Synex Energy Resources then transferred those real estate assets to a new subsidiary, Synex Michigan, LLC.

13. Synex Michigan, LLC thus acquired the operating business of Wolverine, including the purchase of Wolverine’s remaining assets and the license to operate the Edenville Project/Dam from Wolverine on or about June 23, 2004.

14. In public filings, FERC has stated that the transfer of the Dam from Synex Energy to Synex Michigan “required prior Commission approval” and that “the parties failed to obtain such approvals inadvertently.” *Wolverine*

Power Corp. Synex Energy Res., Ltd. Synex Mich., LLC, 107 FERC ¶ 62,266, at p. 64,498 n.4 (2004).

15. On or about March 17, 2006, Boyce purchased 100 percent of the interests of Synex Michigan, LLC.

16. Synex Michigan, LLC changed its name to Boyce Hydro Power, LLC, (“Boyce”) and filed a statement with the Commission on July 12, 2007 to this effect.

17. FERC has also admitted, through the written statements of then-FERC Chairman Neil Chatterjee, that FERC never investigated Boyce’s financial capacity to operate the Dam. Letter from Neil Chatterjee, Chairman, FERC, to Frank Pallone, Chairman, H. Comm. on Energy and Com., at 2–3 (June 18, 2020)

18. The Boyce Projects are located on the Tittabawassee River in Gladwin and Midland counties, in mid-Michigan. The Secord Project is the most upstream of the Boyce Projects. The Smallwood Project is located approximately seven river miles downstream from the Secord Project. Boyce’s now-unlicensed Edenville Project (formerly FERC Project Number 10808), is located approximately 13 river miles downstream of the Smallwood Project, at the confluence of the Tittabawassee and Tobacco Rivers. The Sanford Project (the most downstream of the Boyce Projects) is located approximately 11 river miles downstream of Edenville Dam.

19. The Edenville Dam is one of a group of four dams that were built in 1924 to generate hydroelectric electricity. It is located about 21 miles north of Midland on the Tittabawassee River.

20. In addition to electric power generation, flood control is widely recognized as another key reason for dams being added to the Tittabawassee River.

21. The other dams in the group are the Sanford, Smallwood and Secord.

22. All four dams are earthen embankments with concrete spillways.

23. The Edenville Dam was constructed in two sections: one embankment across the Tittabawassee River and one across the Tobacco River. The hydroelectric facilities built with this dam comprise 4.8 megawatts of total generation capacity. The electricity produced by the Edenville Dam has been sold under a long-term power purchase agreement with Consumers Energy, an investor-owned public utility. Water held by the dam formed a 2,600-acre reservoir called Wixom Lake. Water held by the Sanford Dam downstream formed the 1,569-acre Sanford Lake.

24. The three Boyce Projects and the former Edenville Project are closely linked to each other, sharing common ownership and hydrology. Indeed, FERC issued the operative licenses for all four projects on the same day,

noting that it intended to coordinate treatment of these four “hydrologically-related” projects in the future.

FERC Subjected the Public to An Unreasonable Risk of Harm By Licensing And Permitting Boyce To Operate The Dams Without Regard To Public Safety

25. The four projects also are linked by Boyce’s troubled compliance history. Its compliance failures at the formerly licensed Edenville Project were particularly egregious, as Boyce ignored FERC staff’s dam safety requirements for 14 years.

26. According to media reports, Boyce’s primary interest in the Edenville Dam and the other dams was to use the properties as a tax shelter:

[Boyce owner Lee] Mueller and his relatives needed to reinvest money from the sale of an Illinois property in less than a year-or pay \$600,000 in taxes to the IRS. Eventually, a solution came to Mueller, an architect who lives in Las Vegas, and his cousin, Michel d'Avenas, a California musician who is the son of a French count and is now known as the Pebble Beach Bagpiper. They would avoid taxes by purchasing four small hydroelectric dams in mid-Michigan near MidlandThe cousins had 45 days to find alternative sites and six months to buy one, or they risked having to pay more than \$600,000 in capital gains taxes. Mueller and his associates identified the four Midland dams and buildings in Indianapolis and Houston as options and bought the dams in 2006 after borrowing money to complete the purchase.

27. FERC routinely found Boyce’s plans for auxiliary spillway work to be insufficient.

28. Rather than fund the necessary repairs and upgrades to its dams, Boyce attempted to coerce community members into paying.

29. In August 2010, the Sanford Dam's earthen dike began to seep. The next year, "Lee Mueller (Owner of Boyce) sa[id] he won't pay for the estimated \$83,000 repair. Footing that bill is up to property owners and businesses that benefit from the 1,250-acre recreational impoundment in Midland County, he argue[d]..... He sa[id] if funds aren't raised for the repair work, Boyce Hydro will surrender its license to operate the dam and permanently drain Sanford Lake." One property owner characterized Boyce's actions as follows: "He's holding the dam hostage for someone else to fix it. Because he doesn't want to fix it."

30. In 2012, Tobacco Township, a local government entity, sued Boyce for its failure to make repairs to the Edenville Dam.

31. While Boyce had assured FERC that it would complete construction on auxiliary spillways in 2014, and 2015, it missed the 2014 deadline.

32. FERC promulgated a plan to have Boyce construct one of the spillways in 2015. Boyce missed those deadlines as well. The two auxiliary spillways were never constructed.

33. Not only did Boyce fail to construct the required spillways, it failed to even submit "complete and adequate plans" for the work.

34. In 2015, Boyce failed to disclose to FERC that a spillway wall had failed. They attempted to repair the wall without reporting to FERC.

35. FERC learned of and cited Boyce for these failures, stating, "[t]he licensee is presenting a serious risk to the infrastructure of this high hazard potential dam by performing unauthorized repairs and then providing no information about those repairs."

36. In 2016, an independent safety inspection report found that Boyce "should continue to work for review and approval of the existing spillway rehabilitation projects which will allow the dam to safely pass the 100% PMF."

37. FERC in a 2017 Report emphasized that

Boyce's failures caused a 'grave' risk for the 'potential loss of life and destruction of property and infrastructure': Given Edenville dam's high hazard potential rating, the potential loss of life and destruction of property and infrastructure is grave should the project not be maintained and operated appropriately, with consequences that could certainly affect the Village of Sanford, Northwood University, City of Midland, Michigan, and other areas downstream. The Commission's Dam Safety Guidelines require the project works to be designed to either withstand overtopping of the loading condition that would occur during a flood up to the probable maximum flood (PMF), or to the point where a failure would no longer constitute a hazard to downstream life and/or property. In the alternative, the capacity of the spillway must be adequate to prevent the reservoir from rising to an elevation that would endanger the safety of the project works. As summarized in an

August 6, 1993 letter from the Regional Engineer to the prior licensee, the spillway capacity of the Edenville Project does not meet the Commission's guidelines for passing the PMF. The Regional Engineer has repeatedly directed the licensee to address the spillway capacity concerns at the project."

38. Consequently, on February 2018 the FERC recommended revocation of Boyce's license for the Edenville Project/Dam. It said:

The Commission's primary concern has been the licensee's longstanding failure to address the project's inadequate spillway capacity, which currently is designed to pass only approximately 50 percent of the PMF. Failure of the Edenville dam could result in the loss of human life and the destruction of property and infrastructure.

39. Finally, in 2018, due to the extreme hazards posed by the condition of the Edenville Dam and Boyce's callous indifference towards the lives and properties of others, FERC revoked Boyce's license to generate hydroelectric power from the Dam. FERC determined that Boyce "knowingly and willfully refused to comply with major aspects of its license" and had "repeatedly failed to comply" with directives to "develop and implement plans and schedules to address the fact that the [Edenville Dam's] spillways are not adequate to pass the probable maximum flood, *thereby creating a grave danger to the public.*"

40. FERC observed that "the licensee [Boyce] has displayed a history of obfuscation and outright disregard of its obligations. We do not often revoke

a license, but the licensee has left us with no other way to vindicate the public interest here.”

41. Upon revocation of the license, jurisdiction over the Edenville Dam passed from FERC to the State of Michigan’s Department of Environmental, Great Lakes and Energy (“EGLE”).

42. Because FERC retained jurisdiction over the Sanford, Secord and Smallwood Boyce Hydroelectric Projects/Dams, FERC and the State of Michigan had joint jurisdiction over the four Hydroelectric dam projects at the time of the Edenville catastrophe.

43. On or about May 19, 2020, the Edenville Dam failed, resulting in catastrophic flooding to downstream areas. The Edenville Dam failed so completely that the downstream Sanford Dam suffered overtopping damage before breaching as well, causing areas even further downriver to be engulfed by floodwaters.

44. As a result of the cascading failure of the Edenville and Sanford Dams, more than 11,000 people living in Gladwin, Midland, and Saginaw Counties near Sanford Lake and the Tittabawassee River were forced to flee from imminent danger and seek higher ground. Many of their homes, businesses, and property have been destroyed. Thousands of others who have not evacuated or experienced property damage have nevertheless had their

daily lives upended as the floodwaters continue to damage essential infrastructure in the area, such as bridges and roads, and have interfered with essential utilities services like sanitary sewage.

45. In many cases, evacuees fleeing the rising floodwaters were cast further into harm's way. Like the rest of the country, the State of Michigan is in the midst of the COVID-19 Pandemic, with restrictions in place on movement and economic activity that severely limit the ability of evacuees to find safety outside of their homes. In the words of Michigan Governor Gretchen Whitmer, "to go through this in the midst of a global pandemic is almost unthinkable."

46. On May 20, 2020, the day after the disaster, David E. Capka, P.E. Director Division of Dam Safety and Inspections of FERC wrote a letter to Boyce stating in part:

Following the breach of the Edenville Dam, the Sanford Dam was overtopped by the increased inflow from the upstream breach. The overtopping flows led to a declaration of imminent failure by local authorities and triggered additional evacuation efforts. Due to the extensive damage to the projects and the region as a result of the floodwaters and the Edenville breach, **you are directed to fully lower the reservoirs behind Sanford Dam, Smallwood Dam, and Secord Dam in a safe manner as flows recede.** You are also directed to perform a dam safety inspection of these dams immediately and within 3 days after the flows recede. (Emphasis added).

47. On May 26, 2020, Mr. Capka wrote to Boyce again stating in part:

We do understand that the right embankment at Sanford Dam (P-2785) was fully breached during the high flows resulting from the Edenville Dam breach. Therefore, the directive to safely draw down the Sanford reservoir is moot due to the inability of the project to retain the reservoir. **The drawdown requirements at both Secord (P-10809) and Smallwood (P-10810) have not changed and you must draw each down to the spillway crest at a minimum. These actions are necessary in order for possible dam safety issues at your projects to be assessed.** Depending on the results of the evaluations, you may be required to draw one or both reservoirs down further. It is your responsibility to ensure a safe drawdown rate based on all project factors, including embankment stability, spillway Project No. 2785 2 gate operations, and debris issues. You must not return either reservoir to “normal” levels until you have received authorization from FERC. (emphasis added)

48. As a result of the failure of the Edenville Dam, approximately 2,500 homes and buildings were damaged, approximately 150 of them catastrophically. The citizens and businesses of Gladwin, Midland, and Saginaw Counties are devastated. Their lives have been turned upside down, their homes and property destroyed, and their livelihoods ruined. The full scope of their losses has not yet come into view, and as the floodwaters recede, they face the growing uncertainty of months, if not years, of rebuilding and restoration.

49. In June 2020, the State of Michigan estimated that the economic harm from failure of the Boyce facilities exceeded \$200 million.

50. This devastating event and the catastrophic consequences suffered by the communities harmed were entirely preventable because FERC indisputably knew for years that these Dams were inadequate, decrepit, unstable, unsafe, and would fail under predictable conditions, that Boyce should never have been licensed in the first place, and that Boyce was recalcitrant in its repeated refusal to take action to protect the public.

51. The calamity befalling the citizens and businesses of Gladwin, Midland, and Saginaw counties is the direct and foreseeable result of the FERC's breach of its mandatory duty to ensure that before licensing Boyce it should determine if Boyce had the capacity and will to "manage, operate, and maintain the project safely." 16 U.S.C. § 808(2).

52. The failure of the Edenville Dam and the damages it caused under these circumstances is also the direct and foreseeable consequence of FERC's breach of its mandatory duty not to license, or to allow a license to continue, when it judges that the project is not best adapted to a comprehensive plan for flood control. 16 U.S.C. 803(a)(1). FERC failed in this mandatory duty by allowing Boyce to maintain its license long after determining that Boyce did not satisfy those standards.

DAMAGES TO PLAINTIFFS' PROPERTY

David Krieger and Andrew Krieger

53. Plaintiffs David Krieger and Andrew Krieger are residents of Edenville, Michigan who own a parcel of real property located at 450 Cedar Drive.

54. The Kriegers' property sits along the Tittabawassee River, downriver from both the Edenville Dam and Sanford Dam, and approximately 50 feet above the usual water level of the river.

55. The Kriegers' property has been in their family for many decades, since the 1930s, and multiple generations of the Krieger family have maintained and improved the property by building structures, planting hundreds of trees, improving the home on the property, and otherwise maintaining and caring for the property.

56. The flooding on May 19, 2020 caused the basement of the Kriegers' home to flood with water, and water surrounded approximately $\frac{3}{4}$ of their house.

57. While the damage to the Kriegers' property is still ongoing, they have already lost several boats, two sheds, and many chairs and tables that were destroyed in the flood.

Jim Sperling and Margaret Sperling

58. Plaintiffs Jim and Margaret Sperling have lived in Edenville Michigan since 1996.

59. The Sperlings own and live in a home at 490 Cedar Drive in Edenville, Michigan.

60. The Sperlings also have long-standing and deep connection to the community, and Jim Sperling is currently a third term Edenville Township Trustee.

61. Flood waters began to damage the Sperlings' property on Tuesday, May 19, 2020 after the failure of the Edenville Dam and spillway.

62. Floodwaters and mud totally submerged the Sperling's basement and flooded their living and dining areas with six feet or more of water, causing severe damage to their home.

63. Floodwaters also destroyed the Sperlings' dock, boat lift, canopy, and boat, as well as their shed and the contents inside, including a fishing boat and fishing equipment.

Abel, Julie

64. Plaintiff Julie L. Abel is a resident of Midland, Michigan who owns a parcel of real property located at 3705 Haskin Drive. This property is her primary residence.

65. Ms. Abel's property sits near the Sturgeon Creek, which drains into the Tittabawassee River between Midland and Sanford, and approximately 2 miles away from the Tittabawassee River. She purchased the property in 1990 for \$60,000. Since then, she has improved and cared for the property by adding fixtures, renovating the living spaces, and so on.

66. The damaged property is flat, rectangular, and usable in its entirety.

67. Ms. Abel lives in a single-level wood frame ranch home with vinyl siding. The flooding on May 19, 2020 caused the home to flood with 3 feet of floodwater and debris, destroying all contents and utilities inside. The resulting damage forced Mrs. Abel to temporarily relocate while the home was gutted and rebuilt. While the damage to Ms. Abel's property is still ongoing, she lost her sole vehicle, a 2002 Pontiac Grand Prix, to the flooding.

68. In addition to property damages, Mrs. Abel has lost value in her property.

Abbott, Cynthia and Edward

69. Plaintiffs Cynthia Abbott and Edward Abbott own a parcel of real property located at 5412 North Lake Road in Sanford, Michigan. The property has 70 feet of lake frontage. As a result of the failure of the Edenville Dam, which Defendant knew was inevitable, if not imminent, floodwater flowed directly

down river and onto Plaintiff's property, where it caused extraordinary damage and destruction.

70. The Abbotts' property sits along the Tittabawassee River, downriver from the Edenville Dam and approximately 200 feet away from the river frontage.

71. The Abbotts purchased the property with their retirement funds in 2019, expecting it to be their retirement home where quality time would be spent with families. Since the Abbotts purchased the property, the Abbotts have maintained and improved the property by building structures, planting, improving the home on the property, and otherwise maintaining and caring for the property.

72. The flooding on May 19, 2020 caused all the main structure on the Abbotts' property to be washed off of its foundation. Floodwaters and mud flooded their living and dining areas with five feet or more of water, causing severe damage to their home and the contents inside.

73. Plaintiffs were and continue to be injured in person and property because of flooding caused by Defendant's decisions and actions regarding oversight and management of the Edenville Dam, as set forth in this complaint.

Aerstin, Gretchen & Franklyn

74. Plaintiffs Gretchen Aerstin and Franklyn Aerstin own a parcel of real property located at 4839 North Anna Lane in Sanford, Michigan in trust. This property is their primary residence.

75. The Aerstins' property sits along the Tittabawassee River and the east shore of Sanford Lake, downriver from the Edenville Dam and approximately 120 feet above the usual water level of the river. The property is lakefront with 100 feet of lake frontage on Sanford Lake.

76. The Aerstins purchased the property 1995. Since the Aerstins purchased the property, the Aerstins have maintained and improved the property by building structures, planting trees, landscaping the yard, improving their living spaces, and otherwise maintaining and caring for the property.

77. The Aerstins had planned to sell the property prior to the flooding on May 19, 2020.

78. In addition to the damaged property, the flooding drained Wixom and Sanford Lakes, which deprived the Aerstins of full use of their lakefront property. As a result, the value of the Aerstins' property has diminished and continues to diminish.

Andera, Frank

79. Plaintiffs Frank Andera and Mary Jo Andera own a parcel of real property located at 4644 Benchley Dr. in Beaverton, Michigan. As a result of the failure of the Edenville Dam, which Defendant knew was inevitable, if not imminent, floodwater flowed directly down river and onto Plaintiff's property, where it caused extraordinary damage and destruction.

80. The Anderas are both retired and worked in the education field prior to their retirement.

81. The Anderas' property sits along the Tobacco River and upriver from both the Edenville Dam and the Sanford Dam. The property includes 100 feet of frontage to Wixom Lake, a two-story cottage, a walkout basement, a storage shed, and a dock.

82. Since the Anderas purchased the property in 2011, they have maintained and improved the property by adding structures, planting trees, landscaping their yard, renovating their home on the property, and otherwise maintaining and caring for the property.

83. The flooding on May 19, 2020 caused the Anderas' walkout basement to flood completely with mud. The water level in the basement rose as high as 18 inches. Floodwaters and mud also caused severe damage to the contents inside, which include, *inter alia*, a furnace heating unit, a water

softener, a side-by-side refrigerator, an air compressor, and several pieces of furniture.

84. While the damage to the Anderas' property is still ongoing, the Anderas lost their use and enjoyment of the water of Wixom Lake. The Flooding on May 19, 2020, rendered Wixom Lake unfit for aesthetic and recreational use, which significantly diminished the value of the Anderas' lakefront property.

Anderson, Robert & Melissa

85. Plaintiffs Robert William Anderson and Melissa Jo Anderson own a parcel of real property located at 5181 N. Fox Rd. in Sanford, Michigan in trust. As a result of the failure of the Edenville Dam, which Defendant knew was inevitable, if not imminent, floodwater flowed directly down river and onto Plaintiffs' property, where it caused extraordinary damage and destruction.

86. Plaintiff Robert William Anderson owns a small transportation company in Midland, which has proudly served businesses in the Midland community for over 19 years.

87. The Andersons' property sits along the Tittabawassee River and along the shore of Sanford Lake. The Andersons' property is essentially a rectangle and includes 118 feet of frontage to Sanford lake, a two-story home with a full basement, a pole barn, a dock, a shed and two boat hoists.

88. Since the Andersons purchased the property in 2013, they have maintained and improved the property by adding structures, planting trees, landscaping the yard, renovating their home on the property, and otherwise maintaining and caring for the property.

89. The flooding on May 19, 2020 totally submerged the Andersons' basement. Floodwaters and mud also caused severe damage to the contents inside, which include, *inter alia*, a furnace heating unit, a water softener, a side-by-side refrigerator, an air compressor, and several pieces of furniture.

90. In addition, the flooding also destroyed other structures on the Andersons' property, including their pole barn, permanent dock, shed and two boat hoists. The water level in the pole barn rose as high as 2 feet with two additional feet of mud underneath. All the contents stored in the pole barn and shed were destroyed. Among the contents destroyed are Plaintiffs' golf cart, all seasons lawn equipment, and two motorcycles.

91. While the damage to the Andersons' property is still ongoing, the Andersons lost their use and enjoyment of the water of Sanford Lake. The Flooding on May 19, 2020, rendered Sanford Lake unfit for aesthetic and recreational use, which significantly diminished the value of the Andersons' lakefront property.

Andrew & Geri, Antonucci

92. Plaintiffs Andrew Antonucci and Geri Antonucci own a parcel of real property located at 185 E. Lakeshore Dr. in Hope, Michigan in trust.

93. The Antonuccis' property sits along a large lagoon off Wixom Lake and upriver from the Edenville Dam. The property consists of over 300 feet frontage on the lagoon, a three-bedroom concrete block home, a detached 2-car garage, a shed and a boat dock. Two sides of the Antonuccis' property have bordering canals that lead to Wixom Lake.

94. The Antonuccis purchased the property in 2014, expecting it to be their retirement home. Since the Antonuccis purchased the property, they have maintained and improved the property by building structures, gardening, improving the home on the property, and otherwise maintaining and caring for the property.

95. The flooding on May 19, 2020 drained Wixom and Sanford Lakes as well as the Canal bordering the Antonuccis' property, thus depriving the Antonuccis of full use and enjoyment of their lakefront property. They have also had to pay \$1,000 toward rebuilding the causeway in their subdivision due to the flood damage. As a result, the value of the Antonuccis' property has diminished and continues to diminish.

Antonucci, Dino & Dayle

96. Plaintiffs Dino Antonucci and Dayle Antonucci own a parcel of real property located at 139 East Lakeshore Drive in Hope, Michigan.

97. Plaintiffs Dino Antonucci and Dayle Antonucci have lived in the midland area their entire life. The Antonuccis are both retired and had wished to make the damaged property their retirement home.

98. The Antonuccis' property sits along a large lagoon off Wixom Lake and upriver from the Edenville Dam. The property is pie-shaped and consists of 180 feet of frontage on the lagoon leading to Wixom Lake, a wood-frame home with vinyl siding, a garage and a lean-to.

99. Since the Antonuccis purchased the property in 2003, they have maintained and improved the property by adding structures, landscaping the yard, renovating the home, and otherwise maintaining and caring for the property.

100. The flooding on May 19, 2020 completely flooded the Antonuccis' garage and lean-to with 1.5 feet or more of water, causing severe damage to the contents inside. Floodwaters and mud also caused the property to emit a strong and offensive odor.

101. While the damage to the Antonuccis' property is still ongoing, the flooding on May 19, 2020 drained Wixom and Sanford Lakes as well as the

Canal bordering the Antonuccis' property. As a result, the Antonuccis were deprived of full use and enjoyment of their lakefront property, causing the value of the Antonuccis' property to have diminished and continue to diminish.

Arbury, Ardith

102. Plaintiffs Ardith Arbury and Leslie Bennett jointly own a condominium located at 3302 Thornbrook Court in Midland, Michigan, in which Ardith Arbury is the primary resident. As a result of the failure of the Edenville Dam, which Defendant knew was inevitable, if not imminent, floodwater flowed directly down river and onto Plaintiff's condominium, where it caused extraordinary damage and destruction.

103. Plaintiff Ardith Arbury is 81 years old and retired. Born and raised in Midland, Mrs. Arbury has spent her entire life in Midland. Her connection to the Midland community is strengthened by years of volunteering services at the Midland Hospital.

104. In 2017, Plaintiff Leslie Bennet, son of Ardith Arbury, purchased the condominium for Ardith to retire in.

105. Plaintiffs' condominium sits near the Tittabawassee River and downriver from Sanford Lake.

106. Since Plaintiffs purchased the property, they have maintained and improved the condominium by renovating the living spaces, and otherwise maintaining and caring for the condominium.

107. The flooding on May 19, 2020 totally submerged Plaintiffs' basement. In addition, the water level rose as high as 3 feet on the ground level. Floodwaters and mud also caused one basement to collapse while destroying all the contents inside. Furthermore, the interior of the Plaintiffs' condominium needed to be gutted and rebuilt.

108. While the damage to the Plaintiffs' property is still ongoing, Plaintiff Ardith was temporarily displaced and had to move into a motel room for three weeks. The flooding on May 19, 2020 also rendered Sanford Lake and the Tittabawassee River unfit for aesthetics and recreational use, which significantly diminished the value of Plaintiffs' condominium.

Atwell, Jesse and Michele

109. Plaintiffs Jesse Robert Atwell and Michele Annette Atwell jointly own a parcel of real property located at 3117 Camberley Lane in Midland, Michigan.

110. The Atwells are both small business owners and in their seventies. The Atwells purchased the property in 2006, intending to make it their retirement home.

111. Plaintiffs' property sits near the Sturgeon Creek and downriver from Sanford Lake. The Plaintiffs' property is pie-shaped and consists of a two-story ranch-style house with brick and vinyl siding and a basement.

112. Since Plaintiffs purchased the property, they have maintained and improved the home by adding a bi-level deck, renovating the living spaces, and otherwise maintaining and caring for the property.

113. The flooding on May 19, 2020 totally submerged Plaintiffs' basement and the first level of their home. Floodwaters and mud also caused cracks in Plaintiffs' basement walls while destroying all the contents inside. Furthermore, the interior of the Plaintiffs' home needed to be gutted and rebuilt.

114. While the damage to the Atwells' property is still ongoing, the Atwells lost their use and enjoyment of nearby waters. and the flooding on May 19, 2020, rendered Sanford Lake unfit for aesthetic and recreational use, which significantly diminished and continues to diminish the value of the Atwells' property.

Ayotte, Kevin & Melissa

115. Plaintiffs Kevin Ayotte and Melissa Ayotte jointly own a parcel of real property located at 322 West Saginaw Road in Sanford, Michigan. As a result of the failure of the Edenville Dam, which Defendant knew was inevitable,

if not imminent, floodwater flowed directly down river and onto Plaintiffs' property, where it caused extraordinary damage to the property, and significant disruption to their business.

116. Both in their seventies, the Ayottes owned and operated a family restaurant named "Red Oak Restaurant" on their property. Since the Ayottes purchased the property in 1973, they have supplied great food and friendly service to the Sanford community and beyond.

117. The flooding on May 19, 2020 completely washed away most equipment and appliances on Plaintiff's property. Floodwaters and mud rose as high as 7 feet in the restaurant, destroying all contents inside. The interior of the restaurant also needed to be gutted and rebuilt.

118. While the damage to Plaintiffs' property is still ongoing, they have already lost business opportunities and earnings, and will continue to lose earnings as their customer base struggles to recover from the flooding.

Bader, Kathleen

119. Plaintiff Kathleen M. Bader is a resident of Midland, Michigan who owns a parcel of real property located at 5007 Nurmi Drive in Midland, Michigan in trust. This property is her primary residence.

120. Mrs. Bader is a retired executive at the Dow Chemical Company and has been living on this property for more than 30 years.

121. Plaintiff's property has 4.9 acres and sits along the Sturgeon Creek and the Lalk drain, and approximately 13 feet above the usual water level of the Sturgeon Creek. The property consists of more than 600 feet of river frontage, a multi-level executive home with extensive patios, and 700 square feet of in-law apartment below the ground, and a wine cellar.

122. Since Plaintiff purchased the property in 1988, Plaintiff has maintained and improved the property by building structures, planting trees, improving the home on the property, landscaping, and otherwise maintaining and caring for the property. Plaintiff has also installed over 200 feet of permanent flood barricades and sandbags prior to the flooding. Overall, Plaintiff has invested approximately \$600,000 into improving the damaged property.

123. Despite Plaintiff's extensive efforts to prevent water from entering her property, the flooding on May 19, 2020 totally submerged Plaintiff's in-law apartment, basement, wine cellar, and tornado shelter. In addition, the water level rose as high as 44 inches on the ground level and at the garage. Floodwaters and mud destroyed all the contents inside.

124. The interior of Plaintiff's home needed to be gutted and rebuilt.

125. While the damage to Mrs. Bader's property is still ongoing, she lost the use and enjoyment of nearby waters. The flooding on May 19, 2020 also

rendered Sanford Lake unfit for aesthetic and recreational use, which significantly diminished the value of Plaintiff's property.

Bailey, Robert & Consuelo

126. Plaintiffs Robert Gale Bailey and Frances Consuelo Bailey own a parcel of real property located at 3851 North Bailey Road in Sanford, Michigan. This property is their primary residence. Both in their seventies, the Baileys intended for this property to be their retirement home.

127. The Baileys' property sits along the west shore of Sanford Lake and downriver from the Edenville Dam. The usual water level of Sanford Lake is 4 feet onto their break wall.

128. The Baileys' property is pie-shaped and consists of 80 feet of Sanford Lake frontage, a ranch-style wood-framed home, a 2-car garage, and a cinder block basement with artificial stone enhancement, 3 docks, and a pole barn.

129. The Baileys' property has been in their family for many decades, and multiple generations of the Bailey family have maintained and improved the property by building structures, planting trees, improving the home on the property, and otherwise maintaining and caring for the property.

130. The flooding on May 19, 2020 drained Sanford Lake, thus depriving the Baileys of full use and enjoyment of Sanford Lake and their lakefront

property. As a result, the value of the Baileys' property has diminished and continues to diminish.

Baringer, Jana

131. Plaintiff Jana Baringer owns a parcel of real property located at 3700 South Lake Drive in Beaverton, Michigan. This property is her primary residence.

132. Ms. Baringer's property sits along the Tittabawassee River and upstream of Wixom Lake. The usual water level of the river never reaches beyond Ms. Baringer's sea wall.

133. Ms. Baringer's property consists of 60 feet of water frontage, a wood-framed cottage with vinyl siding, a 2-car garage, a shed, a dock, and a pontoon lift.

134. Since Plaintiff purchased the property in 2014, she has maintained and improved the property by building structures, planting trees, caring for the lawn, improving the home on the property, and otherwise maintaining and caring for the property.

135. The flooding on May 19, 2020 flooded the lawn on Ms. Baringer's property, and surrounded approximately ½ of the cottage.

136. While the damage to the Baringer property is still ongoing, she has already lost a boat and the pontoon lift. Floodwaters also swept away a section of their dock.

137. In addition, the flooding drained Wixom Lake, depriving the Plaintiff of full use and enjoyment of Wixom Lake and the riverfront property. Erosion caused by flooding continues to compromise Plaintiff's sea wall. Hence, the value of the Baringer property has diminished and continues to diminish.

Bauers, Ray & Riste, Marie

138. Plaintiffs Ray Bauers and Marie Riste own a parcel of real property located at 296 Island Drive in Beaverton, Michigan. This property is their primary residence.

139. Plaintiffs' property sits along a large lagoon off Wixom Lake and downriver from the Edenville Dam. The usual water level of the lagoon is approximately 4 feet below the top of Plaintiffs' sea wall.

140. The Plaintiffs' property consists of 80 feet of water frontage, a wood-framed ranch-style home with vinyl siding, 4 sheds, a dock, and a boat ramp. The property is rectangular and usable in its entirety.

141. Since Plaintiffs purchased the property in 1982, they have maintained and improved the property by building structures, planting trees,

caring for the lawn, improving the home on the property, and otherwise maintaining and caring for the property.

142. Last appraisal of Plaintiffs' property was done in 2017, which indicated that Plaintiffs' property was worth \$260,000 at the time.

143. The flooding on May 19, 2020 completely flooded the crawl space of Plaintiffs' home. The water level rose as high as four feet on the main floor. As a result, up to four feet of their drywall needed to be gutted while all the contents inside their home were destroyed.

144. While the damage to Plaintiffs' property is still ongoing, they have already lost a boat and the pontoon lift. Floodwaters also swept away a section of their dock.

145. In addition to the damaged property, Plaintiffs also lost full use and enjoyment of Wixom Lake as well as their riverfront property. Erosion caused by the flooding poses a continuous risk of compromising Plaintiffs' sea wall. Hence, the value of Plaintiffs' property has diminished and continues to diminish.

146. Plaintiff Ray Bauers also owns a parcel of real property located at 391 Center Street in Sanford, Michigan, where he owns and operates an automobile dealership named "R&R Auto Sales."

147. Plaintiff's property sits near the Tittabawassee River and downriver from Wixom Lake. Plaintiff's property consists of several square parcels and includes a cinder block garage, a wood frame office building, and a cement block storefront.

148. Plaintiff's dealership has a long-standing and deep connection to the Sanford community, serving local and outside customers since 1974. Since Plaintiff purchased the property, he has maintained and improved the property by building structures, remodeling the property to make it suitable for business purposes, and otherwise maintaining and caring for the property.

149. The flooding on May 19, 2020 completely washed away the detailing shop on Plaintiff's property, causing Plaintiff to lose all the contents inside. Floodwaters and mud also reached the office building on Plaintiff's property, causing damage so severe that the building must be torn down and rebuilt.

150. While the damage to Plaintiff's property is still ongoing, Bauers has already lost business opportunities and earnings, and will continue to lose earnings as his customer base struggle to recover from the flooding caused by the collapse of the Edenville Dam and Sanford dams.

Bays, James & Kelly

151. Plaintiffs James and Kelly Bays own a parcel of real property located at 4805 North Anna Lane in Sanford, Michigan in trust. This property is their primary residence.

152. Intended to be their retirement home, the Bays' property sits along the east shore of Sanford Lake and downriver from the Edenville Dam. The usual water level of Sanford lake is 5 feet onto their sea wall.

153. The Bays' property is primarily flat with mild slopes leading down towards the lake shore. In addition, their property includes 200 feet of Sanford Lake frontage, a two-and-a-half-story wood frame home, a finished walkout basement, a 2-car garage, and a shed.

154. The Bays purchased the property in 2009 for \$385,000. Since the Bays purchased the property, they have maintained and improved the property by building structures, planting trees, improving the home on the property, and otherwise maintaining and caring for the property.

155. The flooding on May 19, 2020 drained Sanford Lake, thus depriving the Bays of full use and enjoyment of Sanford Lake and their lakefront property. Erosion caused by the flooding poses a continuous risk of compromising Plaintiffs' sea wall. Hence, the value of the Bays's property has diminished and continues to diminish.

Bender, Stacia Lynn-Angle

156. Plaintiff Stacia Lynn-Angle Bender is a resident of Lennon, Michigan and owns a parcel of real property located at 4585 Lakeview Drive in Beaverton, Michigan. This property is her secondary residence.

157. Plaintiff purchased their property in 2000 for \$92,000. The property consists of two lots and is usable in its entirety with 127 feet of Wixom Lake frontage. The normal water level is approximately 6 inches from the top of their seawall.

158. Plaintiff resides in a cottage home constructed of cinder block and log siding. In addition, Plaintiff's property include structures such as a large oversized shed, a dock, and a small pavilion-shaped structure, boardwalk alongside the lake frontage, and wooden seawall.

159. The flooding on May 19, 2020 caused the water of Wixom Lake to recede, thus depriving Plaintiffs of full use and enjoyment of Wixom Lake and their lakefront property. Erosion caused by the flooding poses a continuous risk of compromising Plaintiffs' property. Hence, the value of Plaintiffs' property has diminished and continues to diminish.

Benner Christopher and Patricia

160. Plaintiffs Christopher Benner and Patricia Benner own a parcel of real property located at 2861 North Lakeview Drive in Sanford, Michigan. This property is their primary residence.

161. The Benners' property sits along the east shore of Sanford Lake and downriver from the Edenville Dam. The usual water level of Sanford lake is 2 feet onto their sea wall.

162. The Benners' property is rectangular and includes 50 feet of Sanford Lake frontage, a two- story wood frame home with vinyl siding, a finished walkout basement, a 2-car garage, 2 sheds, and a 40-foot dock.

163. The Benners purchased the property in 2006 for \$225,000. Since the Benners purchased the property, they have maintained and improved the property by building structures, planting trees, improving the home on the property, and otherwise maintaining and caring for the property.

164. The flooding on May 19, 2020 completely submerged Plaintiff's dock. Floodwater flowed directly down the river and flooded their 4-foot crawl space and destroyed most contents inside their home. The water level rose as high as 5 feet on the main floor, causing damage to the flooring, drywalls, and the electrical system.

165. In addition to the damaged property, the Benners were temporarily displaced for 24 days as a result of the flooding.

166. The flooding also drained Sanford Lake, thus depriving the Benners of full use and enjoyment of Sanford Lake and their lakefront property. Erosion caused by the flooding poses a continuous risk of compromising Plaintiffs' sea wall. Hence, the value of the Benners' property has diminished and continues to diminish.

Bennett, John & Mary Ann

167. Plaintiffs John Bennett and Mary Ann Bennett jointly own a condominium unit located at 3420 Pine Grove Drive in Midland, Michigan. This condominium is their primary residence. Both in their seventies, the Bennetts intended for this property to be their retirement home.

168. The Bennetts' condominium is one of four condominium units in Building No. 12 of the Village West Condo Association, who owns the wooded area surrounding the building.

169. The condominium sits near the Sturgeon Creek and downriver from Sanford Lake. The condominium is made of brick with vinyl siding, and consists of a basement, a garage, a deck and a loft.

170. Since Plaintiffs purchased the property in 2013, they have maintained and improved the condominium by renovating the living spaces, and otherwise maintaining and caring for the property.

171. The flooding on May 19, 2020 totally submerged Plaintiffs' basement. The water level rose as high as 3.5 feet on the main floor. Floodwaters and mud also washed away one of Plaintiffs' basement walls while destroying all the contents inside their basement. Furthermore, the interior of the Plaintiffs' home needed to be gutted and rebuilt.

172. While the damage to the Bennetts' property is still ongoing, they lost their use and enjoyment of nearby waters. The flooding rendered Sanford Lake and nearby waters unfit for aesthetic and recreational use, which significantly diminished and continues to diminish the value of the Bennetts' property.

Blaisdell Phillip & Erin

173. Plaintiffs Phillip R. Blaisdell and Erin C. Blaisdell jointly own a parcel of real property located at 520 Albee Lane in Midland, Michigan. This property is their primary residence, and they intended for this property to be their retirement home.

174. Plaintiffs' property sits approximately one mile from the Tittabawassee River, and downstream from Sanford Lake. The property includes a brick house with a furnished basement and a 2-car garage.

175. Since Plaintiffs purchased the property in 1998 for \$110,000, they have maintained and improved the property by building structures, renovating the living spaces, and otherwise maintaining and caring for the property.

176. The flooding on May 19, 2020 totally submerged Plaintiffs' basement. The water level rose as high as 6 inches on the main floor. Floodwaters and mud also washed away Plaintiffs' basement walls while destroying all the contents inside their basement. Furthermore, the interior of the Plaintiffs' home needed to be gutted and rebuilt.

177. In addition to the damaged property, Plaintiff lost full use and enjoyment of nearby waters as well as their riverfront property. Erosion caused by the flooding poses a continuous risk of compromising the integrity of Plaintiff's property. As a result, the value of Plaintiff's property has diminished and continues to diminish.

Boles, Elson

178. Plaintiff Elson Boles owns a parcel of real property located at 101 Railroad Street in Sanford, Michigan, at which he rents out and manages a triplex.

179. Plaintiff's property sits approximately 100 feet from the Tittabawassee River and downriver from both the Edenville and the Sanford Dam.

180. Plaintiff property is built upon a slab foundation and includes a triplex made of wood and cinder block and a gazebo.

181. Plaintiff purchased the property in 2016 for \$69,000. Since Plaintiff purchased the property, he has maintained and improved the property by improving the units on the property, and otherwise maintaining and caring for the property.

182. The flooding on May 19, 2020 completely removed Plaintiff's triplex off its foundation. Floodwater flowed directly down river and destroyed the structures and all the contents therein.

183. While the damage to Plaintiff's property is still ongoing, he has already lost business opportunities and rental earnings, and will continue to lose earnings as the Sanford rental market continues to plunge as a result of the flooding.

Brenske, Barbara

184. Plaintiff Barbara A. Brenske is a resident of Beaverton, Michigan, and the owner of a parcel of real property located at 807 Quillett Drive. This property is her primary residence.

185. Plaintiff's property sits along the Tittabawassee, and upstream from both the Edenville Dam and Wixom Lake. The usual water level of the river does not reach beyond the Plaintiff's sea wall.

186. Plaintiff purchased this property in 1979 and has been maintaining and improving the property by building structures, improving the home, and otherwise maintaining and caring for the property.

187. The damaged property of 50 feet of water frontage, a wood-framed ranch-style home with vinyl siding, and a gazebo.

188. The flooding on May 19, 2020 completely washed out Plaintiff's seawall. Floodwaters and mud flowed directly down the river and onto Plaintiff's property, destroying her dock and stairs leading to the water.

189. In addition to the damaged property, Plaintiff lost full use and enjoyment of nearby waters as well as their riverfront property. Erosion caused by the flooding poses a continuous risk of compromising the integrity of Plaintiff's property. As a result, the value of Plaintiff's property has diminished and continues to diminish.

Boulton Joseph and Judith

190. Plaintiffs Joseph Boulton and Judith Boulton jointly own a parcel of real property located at 5448 North Lake Sanford Road in Sanford, Michigan.

This property is their primary residence, and they intended for this property to be their retirement home.

191. Plaintiffs' property sits along the east shore of Sanford Lake, downriver from the Edenville Dam, and the normal water level of the lake reaches 3 feet onto their sea wall. The property includes 145 feet of lake frontage, a wood frame home with vinyl siding, a two-story garage, a 600-foot dock, and a boat hoist.

192. Plaintiffs purchased the property in 2016 for \$228,000. Since they moved into the property, they have improved the property by renovating the living spaces, doing yard work, and otherwise maintaining and caring for the property.

193. The flooding on May 19, 2020 caused the main floor of the Boultons' home to flood with water. The water level rose as high as 2 feet on the main floor. Floodwaters and mud also damaged all the contents inside their home. Furthermore, the interior of the Plaintiffs' home needed to be gutted and rebuilt.

194. Plaintiffs have also lost their use and enjoyment of nearby waters. The flooding rendered Sanford Lake and nearby waters unfit for aesthetic and recreational use, which significantly diminished and continues to diminish the value of their property.

Booth, Gary & Holly

195. Plaintiffs' property sits along the east side of the Tittabawassee River, immediately upstream from Wixom Lake and the Edenville Dam. The usual water level of the river is approximately 2 feet below the top of their sea wall.

196. Plaintiffs' property consists of 203 feet of Wixom Lake frontage, a wood frame home with cedar siding, a walkout basement, 2 detached garages, and a well. The well is Plaintiffs' primary source of drinking water.

197. Plaintiffs purchased the property in 1976. Since Plaintiffs purchased the property, they have improved the property by building structures, landscaping the yard, improving the home, and otherwise maintaining and caring for the property.

198. Floodwaters began to damage Plaintiffs' property on Tuesday, May 19, 2020. Floodwaters flowed directly down river and onto Plaintiffs' property. As a result of the flooding, Plaintiffs' well was contaminated and rendered unusable.

199. In addition, the flooding deprived Plaintiffs of full use and enjoyment of Wixom Lake as well as their lakefront property. As a result, the value of Plaintiffs' property has diminished and continues to diminish.

200. Erosion caused by the flooding poses a continuous risk of compromising Plaintiffs' sea wall. Hence, new installations are required in order for Plaintiffs to maintain the integrity of the damaged property.

201. Furthermore, the flooding has damaged the M-30 bridge connecting Beaverton to Midland, resulting in additional time and energy spent by Plaintiffs in their daily commuting.

Borchard, Sara

202. Plaintiff Sara Borchard is a resident of Bay City, Michigan. She owns a parcel of real property located at 2917 North Lakeview Drive in Sanford, Michigan, which was her secondary residence.

203. Plaintiff's property sits along the east shore of Sanford Lake and downriver from the Edenville Dam. The usual water level of Sanford lake is approximately 1 foot below the top of her sea wall.

204. Plaintiff's property is primarily flat with mild slopes leading down towards the lake shore. In addition, her property includes, among other things 75 feet of Sanford Lake frontage, a wood frame home with vinyl siding, a detached garage, and a dock. Since she purchased the property in 2012, she and her family have maintained and improved the property by building structures, planting trees, improving the home on the property, and otherwise maintaining and caring for the property.

205. The flooding on May 19, 2020 caused water to flow directly into Plaintiff's home, destroying all contents inside. The water level rose as high as 3 feet on the ground floor. The interiors of Plaintiff's home needed to be completely gutted and rebuilt.

206. In addition to the damaged property, the flooding also drained Sanford Lake, thus depriving Plaintiff of full use and enjoyment of Sanford Lake and her lakefront property.

Boyer Paul and Lisa

207. Plaintiffs Paul Boyer and Lisa Boyer own a parcel of real property located at 307 Island Drive in Beaverton, Michigan. This property is their primary residence.

208. Plaintiffs' property sits along the shore of Wixom Lake and immediately downriver from the Edenville Dam. The usual water level of Sanford Lake varies but never reaches beyond Plaintiffs' sea wall.

209. The Boyers' property is a long rectangle and consists of 60 feet of water frontage, a wood-framed ranch-style home with vinyl siding, a tool shed, and a garage.

210. Since Plaintiffs purchased the property in 1995, they have maintained and improved the property by building structures, planting trees,

caring for the lawn, improving the home on the property, and otherwise maintaining and caring for the property.

211. The flooding on May 19, 2020 completely flooded their main floor of Plaintiffs' home. The water level rose as high as two feet on the main floor, causing structural damage to their home. The main floor needed to be gutted while all the contents inside their home was destroyed.

212. While the damage to Plaintiffs' property is still ongoing, they were temporarily displaced along with their two children.

213. In addition, the flooding drained Wixom Lake, thus depriving Plaintiffs of full use and enjoyment of Wixom Lake as well as their riverfront property. Erosion caused by the flooding poses a continuous risk of compromising Plaintiffs' sea wall. As a result, the value of Plaintiffs' property has diminished and continues to diminish.

Brown, Bruce & Nancy

214. Plaintiffs Bruce A. Brown and Nancy D. Brown jointly own a parcel of real property located at 4809 Moorland Court in Midland, Michigan. This property is their primary residence, and they intended for this property to be their retirement home.

215. Plaintiffs' property sits near the Sturgeon Creek, approximately three miles from the Tittabawassee River, and downstream from Sanford Lake.

The property includes a Cape Cod house with a furnished basement and a storage shed.

216. Plaintiffs purchased the property in 2019 for \$260,000. Since they moved into the property, they have improved the property by building structures, renovating the living spaces, and otherwise maintaining and caring for the property.

217. The flooding on May 19, 2020 completely flooded their main floor of Plaintiffs' home. The water level rose as high as two feet on the main floor, causing structural damage to their home. The main floor needed to be gutted while all the contents inside their home were destroyed.

218. While the damage to Plaintiffs' property is still ongoing, Plaintiffs have also lost their use and enjoyment of nearby waters. The flooding rendered Sanford Lake and nearby waters unfit for aesthetic and recreational use, which significantly diminished and continues to diminish the value of their property.

Brown, Derek & Melissa

219. Plaintiffs Derek Brown and Melissa Brown jointly own a parcel of real property located at 1312 Vance Road in Midland, Michigan. This property is their primary residence. They live there with their three minor children.

220. Plaintiffs' property sits along the Prairie Creek, approximately 50 yards from the Tittabawassee River, and downstream from Sanford Lake. The

property includes a two-story house with a half-furnished basement and a detached garage.

221. Plaintiffs purchased the property in 2017 for \$158,000. Since they moved into the property, they have improved the property by building structures, renovating the living spaces, and otherwise maintaining and caring for the property.

222. The flooding on May 19, 2020 completely flooded Plaintiff's home. Floodwater flowed directly down river and submerged Plaintiff's home, and destroyed all the contents inside. The water level rose as high as 1 foot on the main level of their home and approximately 3 feet in their detached garage. All structures on the damaged property needed to be gutted and rebuilt.

223. While the damage to Plaintiffs' property is still ongoing, Plaintiffs and their young children were temporarily displaced and had to pay \$1,800 for alternative lodgment.

224. Plaintiffs have also lost their use and enjoyment of nearby waters. The flooding rendered Sanford Lake and nearby waters unfit for aesthetic and recreational use, which significantly diminished and continues to diminish the value of their property.

Brown, Mark & Sue (primary)

225. Plaintiffs Mark Brown and Susan Brown jointly own a parcel of real property located at 660 West Sundown Trail in Sanford, Michigan. This property is their primary residence, and they intended for this property to be their retirement home.

226. Plaintiffs' property sits along the east shore of Sanford Lake, downriver from the Edenville Dam, and the normal water level comes to the edge of their property. The property includes 100 feet of lake frontage, a wood frame home with vinyl and brick siding, an attached garage, a dock, and a boat hoist.

227. Plaintiffs purchased the property in 2005 for \$272,000. Since they moved into the property, they have improved the property by renovating the living spaces, doing yardwork, and otherwise maintaining and caring for the property.

228. The flooding on May 19, 2020 caused the main floor of Plaintiffs' home to flood with water. The water level rose as high as 3 feet on the main floor. Floodwaters and mud also all destroyed the contents inside their home. Furthermore, the interior of the Plaintiffs' home needed to be gutted and rebuilt.

229. While the damage to Plaintiffs' property is still ongoing, Plaintiffs also lost their Four Winns boat, two jet skis, and a 2008 Smart Fortwo – a vehicle they relied primarily on for transportation. The flooding shifted the foundation of their two-story shed, shifted their deck off-axis, and destroyed their hot tub.

230. Plaintiffs have also lost their use and enjoyment of nearby waters. The flooding rendered Sanford Lake and nearby waters unfit for aesthetic and recreational use, which significantly diminished and continues to diminish the value of their property.

231. Plaintiffs Mark Brown and Susan Brown also jointly own a parcel of real property located at 2850 North Lakeview Drive in Sanford, Michigan. This property is rental property which housed a family of three at the time of the flooding.

232. Plaintiffs' property sits along the east shore of Sanford Lake and approximately 1.5 miles upriver from the Sanford Dam and downriver from the Edenville Dam. The property includes 10 feet of Sanford Lake frontage, a 1000-square-foot single-family home with aluminum siding and a 2-car garage.

233. Plaintiffs purchased the property in 1996. Since they moved into the property, they have improved the property by renovating the living spaces, doing yard work, and otherwise maintaining and caring for the property.

234. The flooding on May 19, 2020 caused the main floor of Plaintiffs' property to flood with water. Floodwaters and mud also washed away all the contents inside their home, with only structural studs and ceiling joists remaining. Furthermore, the interior of the Plaintiffs' home needed to be gutted and rebuilt.

235. In addition to the damaged property, Plaintiffs have already lost rental earnings, and will continue to lose earnings as the Sanford rental market continues to plunge as a result of the flooding.

Briggin, Muriel & Larry

236. Plaintiffs Muriel Briggin and Larry Briggin are residents of Beaverton, Michigan, and the owner of two parcels of real property located at 5689 Mangus Road: Prop. #26150-025-400-012-03 ("Lot 03"); and Prop. #26150-025-400-012-02 ("Lot 02").

237. Both lots sit along a wide canal off of the Wixom Lake, and upstream from both the Edenville Dam and the Sanford Dam. Each lot is completely usable in its entirety and consists of 102 feet of river frontage respectively.

238. Plaintiffs purchased Lot 03 in 1983 and Lot 02 in 1984, and have been maintaining and improving the property by building structures, having it landscaped, and otherwise maintaining and caring for the property.

239. In 1985, Plaintiffs built their primary residence, which is a bi-level home constructed of wood frame and vinyl siding with a walkout basement. Since then, Plaintiffs have added temporary structures including a pole barn, a storage shed and a snowmobile trailer.

240. The flooding on May 19, 2020 caused irrevocable destruction to Plaintiffs' properties. Floodwaters and mud flowed directly down the river and onto Plaintiff's property, compromising their septic tank and drain field. Plaintiffs' entire septic drain field needed to be replaced.

241. Furthermore, Plaintiff lost full use and enjoyment of nearby waters as well as their riverfront property. Erosion caused by the flooding poses a continuous risk of compromising the integrity of Plaintiff's property. As a result, the value of Plaintiff's property has diminished and continues to diminish.

Bucholz, Thomas & Virginia

242. Plaintiffs Thomas J. Bucholz and Virginia Bucholz own a parcel of real property located at 540 West Donald Drive in Sanford, Michigan. This property is their primary residence.

243. Intended to be their retirement home, the Bucholz property sits along the west shore of Sanford Lake and downriver from the Edenville Dam. The usual water level of Sanford lake is 3 feet below the top of their sea wall.

244. The Bucholz property is primarily flat with mild slopes leading down towards the lake shore. With 100 feet of Sanford Lake frontage, Plaintiffs' property consists of a two-bedroom single family home with a finished basement, a 2-car garage, a deck extending to the lake, and a shed.

245. Since the Bucholzs purchased the property in 1989, they have maintained and improved the property by building structures, planting trees, improving the home on the property, and otherwise maintaining and caring for the property.

246. The flooding on May 19, 2020 drained Sanford Lake, thus depriving Plaintiffs of full use and enjoyment of Sanford Lake and their lakefront property. Erosion caused by the flooding poses a continuous risk of compromising Plaintiffs' sea wall. Hence, the value of Plaintiffs' property has diminished and continues to diminish.

247. Furthermore, Plaintiffs were charged with paying for erosion damage occurring at the bottom of Sanford Lake as a result of the flooding.

Burkhart, Carol

248. Plaintiff Carol Burkhart is a resident of Dundee, Michigan who owns a parcel of real property located at 3024 South Whitney Beach Road in Beaverton, Michigan. This property is their secondary residence.

249. Plaintiff's property sits on the east side of the Tittabawassee River with direct water frontage. The property includes a home constructed of wood with vinyl siding, a deck attached to the home, an aluminum dock, and a well. The well is Plaintiff's primary source of drinking water.

250. Ms. Burkhart has resided in this property for more than 20 years. Since she purchased the property, Plaintiff has maintained and improved the property by building structures, conducting yard work, improving interior living spaces, and otherwise maintaining and caring for the property.

251. The flooding on May 19, 2020 caused the Tittabawassee River to rise and flow directly onto Plaintiff's property. Debris carried by floodwaters destroyed Plaintiff's aluminum dock and deck attached to the home. Floodwaters and mud further jeopardized Plaintiff's water system, resulting in sewage discharges in her home and possible contamination of her well.

252. In addition to the damage to her home and loss of its contents, the flooding rendered Wixom Lake, the Tittabawassee River and nearby waters unfit for aesthetic and recreational use, depriving Plaintiffs of full use and enjoyment of nearby waters and her riverfront property. As a result, the value of Plaintiff's property has diminished and continues to diminish.

253. Finally, the flooding and subsequent recession of water poses a continuous risk of compromising the integrity of the Plaintiff's property and cutting off her access to her well water.

Burkhart, Donald

254. Plaintiff Donald Burkhart owns a parcel of real property located at 3812 North Saginaw Road in Midland, Michigan. This property is his primary residence and he intended for this property to be his retirement home.

255. Mr. Burkhart is an individual with developmental disabilities and has been fully handicapped his entire life.

256. Mr. Burkhart's property sits near the Sterns Drain, approximately two miles from the Tittabawassee River, and downstream from Sanford Lake. The property includes a wood frame home in compliance with accessibility guidelines and a garage.

257. Purchased in 1998 for \$54,900, Plaintiff's property has been improved by renovation and remodeling.

258. The flooding on May 19, 2020 totally destroyed Plaintiff's home. The water level rose as high as 30.5 inches on the main floor. Floodwaters and mud also destroyed all the contents inside. Furthermore, the interior of the Plaintiffs' home needed to be gutted and rebuilt.

259. As a result of the flooding, Plaintiff has had to paid \$7,617 for debris removal, siding replacement, and installment of new doors.

260. While the damage to Plaintiff's property is still ongoing, Plaintiff was temporarily displaced and incurring additional \$200 monthly payment for temporary accommodation.

261. Plaintiff has also lost his use and enjoyment of nearby waters. The flooding rendered Sanford Lake and nearby waters unfit for aesthetic and recreational use, which significantly diminished and continues to diminish the value of his property.

Burman, Ken & Theisen, Barbara

262. Plaintiffs Kenneth Boyd Burman and Barbara Anne Theisen jointly own a condominium unit located at 3719 Wrenwood Court in Midland, Michigan in trust. This property is their primary residence, and they intended for this property to be their retirement home.

263. Plaintiffs' condominium sits approximately 500 yards from the Tittabawassee River and downstream from Sanford Lake. The condominium is ranch-style and includes a full basement, a loft, a deck, and a garage.

264. Plaintiffs purchased the property in 2015 for \$165,000. Since they moved into the condominium, they have improved the unit by renovating the

living spaces, building structures, and otherwise maintaining and caring for the condominium.

265. The flooding on May 19, 2020 totally submerged Plaintiffs' basement. The water level rose as high as 2 feet on the main floor. Floodwaters and mud also destroyed all the contents inside their home. Furthermore, the interior of the Plaintiffs' home needed to be gutted and rebuilt.

266. While the damage to Plaintiffs' property is still ongoing, Plaintiffs were temporarily displaced and incurred monthly payment of \$700 for temporary accommodation.

267. Plaintiffs have also lost their use and enjoyment of nearby waters. The flooding rendered Sanford Lake and nearby waters unfit for aesthetic and recreational use, which significantly diminished and continues to diminish the value of their property.

Burton, Beatrice & Douglas

268. Plaintiffs Douglas Burton and Beatrice Burton own a parcel of real property located at 1102 Rock Trail in Beaverton, Michigan. This property is their vacation home.

269. Plaintiffs' property sits along the Tobacco River and upstream from the Edenville Dam as well as Wixom Lake. The usual water level of the river is approximately 2 feet below the top of Plaintiffs' sea wall.

270. Plaintiffs' property consists of 88 feet of water frontage, a wood-framed cabin with an extended deck and a garage.

271. The Burtons purchased the property recently in 2019. Since they purchased the property, they have maintained and improved the property by caring for the lawn, improving the home, and otherwise maintaining and caring for the property.

272. The flooding on May 19, 2020 completely destroyed the boards of their deck. Floodwaters also caused damage to their sea wall, rendering their property vulnerable to future storm surge or flooding.

273. In addition, the flooding drained Wixom Lake and nearby waters, thus depriving Plaintiffs of full use and enjoyment of Wixom Lake as well as their riverfront property. Erosion caused by the flooding poses a continuous risk of compromising Plaintiffs' sea wall. As a result, the value of Plaintiffs' property has diminished and continues to diminish.

Call, Emily

274. Plaintiff Emily Call owns a parcel of real property located at 225 Adams Road in Saginaw, Michigan. This property is her primary residence.

275. Plaintiff's property sits along the Tittabawassee River and downstream from Sanford Lake as well as the Sanford Dam.

276. The damaged property is a riverfront property consisting of a wood frame house with vinyl siding, a full basement, a storage shed and a detached garage.

277. Plaintiff purchased the property in 2012 for \$32,000. Since she moved into the property, she has improved the property by building structures, renovating the living spaces, and otherwise maintaining and caring for the property.

278. The flooding on May 19, 2020 completely submerged Plaintiff's basement. Floodwater flowed directly down river and destroyed all the contents inside Plaintiff's basement. Floodwater was also able to reach the ground floor. The interior of the damaged property needed to be gutted and rebuilt.

279. While the damage to Plaintiff's property is still ongoing, Plaintiff was temporarily displaced and had to pay \$1,400 for alternative lodging.

280. Plaintiff has also lost her use and enjoyment of nearby waters. The flooding rendered Sanford Lake and nearby waters unfit for aesthetic and recreational use, which significantly diminished and continues to diminish the value of Plaintiff's riverfront property.

Campbell, Robert & Carleen

281. Plaintiffs Robert Campbell and Carleen Campbell own a parcel of real property located at 5510 South Oakridge Drive in Beaverton, Michigan. This property is their primary residence.

282. Plaintiff Carleen Campbell is disabled.

283. Plaintiffs' property sits along the Nestor Creek and immediately upstream from the Edenville Dam. The usual water level of the river is approximately 2 feet below the top of Plaintiffs' sea wall.

284. The Campbells' property is flat with full utility and consists of 67 feet of water frontage, a wood-framed ranch-style home with vinyl siding, an aluminum shed and docks.

285. The Campbells' property has been in the family for decades. Since Plaintiffs purchased the property in 1977, multiple generations of the Campbell family have enjoyed and improved the property by building structures, planting trees, caring for the lawn, improving the home, and otherwise maintaining and caring for the property.

286. The flooding on May 19, 2020 completely flooded their main floor of Plaintiffs' home. The water level rose as high as three feet on the main floor, causing structural damage to their home. As a result of the flooding, Plaintiffs'

home needed to be completely gutted while all the contents stored below three feet on the ground floor were destroyed.

287. While the damage to Plaintiffs' property is still ongoing, they were temporarily displaced and had to pay \$1,200 for temporary housing.

288. In addition, the flooding drained Wixom Lake, thus depriving Plaintiffs of full use and enjoyment of Wixom Lake as well as their riverfront property. Erosion caused by the flooding poses a continuous risk of compromising Plaintiffs' sea wall. As a result, the value of Plaintiffs' property has diminished and continues to diminish.

Campbell, Tom & Stacey

289. Plaintiffs Thomas Campbell and Stacey Campbell own a parcel of real property located at 4800 Moorland Court in Midland, Michigan. This property is their primary residence, and they intended for this property to be their retirement home.

290. Plaintiffs' property sits near the Sturgeon Creek, approximately three miles from the Tittabawassee River, and downstream from Sanford Lake. The property includes a ranch-style house with wood cedar siding, a furnished basement and an attached garage.

291. Plaintiffs purchased the property in 2017 for \$352,000. Since they moved into the property, they have improved the property by building

structures, renovating the living spaces, and otherwise maintaining and caring for the property.

292. The flooding on May 19, 2020 completely submerged Plaintiffs' basement while flooding the main floor of Plaintiffs' home where the water level rose as high as two feet. Floodwaters and mud also caused damage to their drywall, carpeting and padding. The main floor of their home needed to be gutted while all the contents inside their home were destroyed.

293. While the damage to Plaintiffs' property is still ongoing, Plaintiffs have also lost their use and enjoyment of nearby waters. The flooding rendered Sanford Lake and nearby waters unfit for aesthetic and recreational use, which significantly diminished and continues to diminish the value of their property.

Caskey, Josette and Wayne

294. Plaintiffs Josette Caskey and Wayne Caskey jointly own a parcel of real property located at 3852 South Whitney Beach Road in Beaverton, Michigan. This property is their primary residence.

295. Both retired, Plaintiffs intended for this property to be their retirement home.

296. Plaintiffs' property sits along the Tittabawassee River and upstream from Wixom Lake. The usual water level of the river is approximately 15 feet from Plaintiffs' home.

297. Plaintiffs' property is usable in its entirety and consists of 100 feet of river frontage, a wood-framed 2-story home with vinyl siding, a well and two sheds. The well is Plaintiffs' primary source of drinking water.

298. The Caskeys purchased the damaged property in 2013 for \$57,500. Since Plaintiffs purchased the property, they have improved the property by building structures, planting trees, caring for the lawn, improving the home, and otherwise maintaining and caring for the property.

299. The flooding on May 19, 2020 caused irrevocable damage to Plaintiffs' well. Floodwaters and mud also flooded Plaintiffs' brick shed, destroying all the contents inside.

300. The flooding also deprived Plaintiffs of full use and enjoyment of the Tittabawassee River as well as their riverfront property. Erosion caused by the flooding poses a continuous risk of compromising Plaintiffs' sea wall. As a result, the value of Plaintiffs' property has diminished and continues to diminish.

Cauchi, John and Connie

301. Plaintiffs John Cauchi and Connie Cauchi own a parcel of real property located at 5202 North Lake Sanford Road in Sanford, Michigan. This property is their primary residence and they intended for this property to be their retirement home.

302. Plaintiffs' property sits along the east shore of Sanford Lake and downriver from the Edenville Dam. The normal water level of the lake reaches approximately 3 feet below the top of their sea wall. The property is usable in its entirety and includes 80 feet of water frontage, a wood frame home with vinyl siding, a finished walkout basement, a dock, and a boat lift.

303. Plaintiffs purchased the property in 2014 for \$250,000. Since they moved into the property, they have improved the property by building structures, renovating the living spaces, doing yard work, and otherwise maintaining and caring for the property.

304. The flooding on May 19, 2020 destroyed Plaintiffs' dock. Floodwater flowed directly down the river and washed Plaintiffs' boat lift and boat away. Although insurance partially covered the loss of their boat, Plaintiffs were unable to fully recover the value of their boat, which is a 2018 Polar Kraft Frontier 179, and dock.

305. Plaintiffs have also lost their use and enjoyment of nearby waters. The flooding rendered Sanford Lake and nearby waters unfit for aesthetic and recreational use, which significantly diminished and continues to diminish the value of their property.

Chambers, Terry & Jon

306. Plaintiffs Terry Chambers and Jon Chambers are residents of Midland, Michigan, who jointly own a parcel of real property located at 1194 Birch Lane in Beaverton, Michigan. This property is their secondary residence.

307. Both Plaintiffs have lived in the Midland area their entire lives and have been working hard to save enough money to buy this property.

308. Plaintiffs' property sits along the Tittabawassee River and upstream from both the Edenville Dam and Wixom Lake. Plaintiffs' property is usable in its entirety and consists of 72 feet of river frontage, a dock, and several boat lifts.

309. The Chambers purchased the property in 2017 for \$63,000. Since Plaintiffs purchased the property, they have maintained and cared for the property.

310. The flooding on May 19, 2020 caused water to flow directly down river and destroyed Plaintiffs' dock and one of their boat lifts.

311. In addition to the damage to these fixtures, the flooding deprived Plaintiffs of full use and enjoyment of the Tittabawassee River as well as their riverfront property. Erosion caused by the flooding poses a continuous risk of compromising the integrity of Plaintiffs' property. As a result, the value of Plaintiffs' property has diminished and continues to diminish.

Cheney, Sharon

312. Plaintiff Sharon Cheney own a parcel of real property located at 5426 North Sanford Road in Sanford, Michigan.

313. Plaintiff's property sits along the Tittabawassee River, approximately three miles upriver from Sanford, and downstream from the Edenville Dam. The property is approximately 80% usable and includes 120 feet of Sanford Lake frontage and a wood frame house with a deck and a brick patio.

314. Plaintiff recently purchased the property in 2019 for \$92,000. Since she moved into the property, she has improved the property by building structures, renovating the living spaces, and otherwise maintaining and caring for the property.

315. The flooding on May 19, 2020 completely demolished Plaintiff's home. While the damage to Plaintiff's property is still ongoing, Plaintiff was temporarily displaced and had to pay \$800 per month for temporary housing.

316. In addition to the damaged property, Plaintiff has also lost her use and enjoyment of nearby waters. The flooding rendered Sanford Lake and nearby waters unfit for aesthetic and recreational use, which significantly diminished and continues to diminish the value of her property.

Churchfield, Robert and Penelope

317. Plaintiffs Robert Churchfield and Penelope Churchfield jointly own a parcel of real property located at 1220 Birch Lane in Beaverton, Michigan. This property is their primary residence.

318. Both retired, Plaintiffs intended for this property to be their retirement home.

319. Plaintiffs' property sits along the Tittabawassee River and upstream from both the Edenville Dam and Wixom Lake. The usual water level of the river is approximately 15 feet from Plaintiffs' home.

320. Plaintiffs' property is usable in its entirety and consists of river frontage, a wood-framed home with vinyl siding, a two-story garage, a pole barn and a storage shed.

321. The Churchfields purchased the property in 1990 for \$150,000. Since Plaintiffs purchased the property, they have improved the property by building structures, planting trees, caring for the lawn, improving the home, and otherwise maintaining and caring for the property.

322. The flooding on May 19, 2020 deprived Plaintiffs of full use and enjoyment of the Tittabawassee River as well as their riverfront property. Erosion caused by the flooding poses a continuous risk of compromising

Plaintiffs' sea wall. As a result, the value of Plaintiffs' property has diminished and continues to diminish.

Clark Sandra

323. Plaintiff Sandra Clark owns a parcel of real property located at 615 West Main Street in Midland, Michigan.

324. Plaintiff's property sits along the Tittabawassee River, approximately two miles downriver from the Sanford Dam and the Edenville Dam.

325. The property is usable in its entirety and includes 50 feet of Tittabawassee River and a wood frame house. Since Plaintiff purchased the property in 1997, she has improved the property by building structures, renovating the living spaces, and otherwise maintaining and caring for the property. The flooding on May 19, 2020 completely submerged Plaintiff's basement, destroying all the contents inside. The water level rose as high as three feet. The interior of Plaintiff's basement needed to be gutted and rebuilt.

326. In addition to the damaged property, Plaintiff has also lost her use and enjoyment of nearby waters. The flooding rendered Sanford Lake and nearby waters unfit for aesthetic and recreational use, which significantly diminished and continues to diminish the value of her property.

Colley, Chuck and Cassandra

327. Plaintiffs Chuck and Cassandra Colley resided in a home located at 658 Lambert Road, Midland Michigan.

328. The home is located 200 feet from the Tittabawsee River

329. Plaintiffs were tenants in the home which was a 1800 square foot structure with three bedrooms, 1 bath and an attached garage and full basement. The home was wood frame, with vinyl siding and a cinderblock basement.

330. The flooding on May 19, 2020 filled the house with 15 feet of water and totally submerged the basement with 6-7 feet of water on the main level of the house.

331. As a result of the flooding, Plaintiffs had to pay \$5000 for alternative housing.

332. As a result of the flooding, the structure was deemed unsafe and was condemned.

333. Plaintiffs lost all possessions inside the home, garage and tool shed due to the flooding including vehicles, tractors, quad runner, appliances, hunting gear, jewelry, clothes, furniture, rugs, dishes, wedding decorations, pool table and beds. Plaintiffs also lost personal mementos include pictures, an antique grandfather clock, and even ashes of deceased family members.

Collins, Debra and John

334. Plaintiffs John Collins and Debra Collins own a parcel of real property located at 832 West Campbell Court in Sanford, Michigan.

335. Plaintiffs' property sits along the Tittabawassee River, approximately two miles upriver from Sanford, and downstream from the Edenville Dam. The usual water level of the river is approximately 4 feet below the top of Plaintiffs' sea wall.

336. The property is usable in its entirety and includes 80 feet of Sanford Lake frontage and a wood frame house with a deck, three storage sheds, and an aluminum frame wood-covered dock.

337. The damaged property has been in Plaintiffs' family for decades. Multiple generations of Plaintiffs' family have spent quality time and created memories on the property. Inherited in 2012, Plaintiffs have continued to improve the property by building structures, renovating the living spaces, and otherwise maintaining and caring for the property.

338. The flooding on May 19, 2020 completely demolished Plaintiffs' property. Floodwaters and mud poured into Plaintiffs' property from the riverbank and destroyed all the contents inside their house. The water level on the main floor rose as high as seven feet. The interior of Plaintiffs' house needed to be gutted and rebuilt.

339. In addition to the damaged property, Plaintiffs have also lost their use and enjoyment of nearby waters. Erosion caused by the flooding poses a continuous risk of compromising Plaintiffs' sea wall. The flooding rendered Sanford Lake and nearby waters unfit for aesthetic and recreational use, which significantly diminished and continues to diminish the value of their property.

Cooper, Kristen and Warren

340. Plaintiff Kristen Cooper owns a parcel of real property located at 3417 Pomranky Road in Midland, Michigan. This property is her and her family's primary residence.

341. Plaintiff's property sits along the Prairie Creek, 0.50 miles from the Tittabawassee River, and downstream from Sanford Lake as well as the Sanford Dam. The damaged property occupies one acre of land and consists of a wood frame house with vinyl siding, a large deck, a gazebo and a detached two-car garage.

342. Plaintiff purchased the property in 2001 for \$100,000. Since she moved into the property, she and her family have improved the property by building structures, renovating the living spaces, planting trees, and otherwise maintaining and caring for the property.

343. The flooding on May 19, 2020 completely submerged the main floor of Plaintiff's home. Floodwater flowed directly down river and destroyed

all the contents inside Plaintiff's home. As a result of the flooding, Plaintiff's home needed to be gutted and rebuilt.

344. While the damage to Plaintiff's property is still ongoing, Plaintiff is displaced and is currently living in a travel trailer.

345. Plaintiffs Kristen Cooper and Warren Cooper also own a parcel of real property located at 3401 Pomranky Road in Midland, Michigan.

346. Plaintiffs' property sits along the Prairie Creek, approximately 0.70 miles from the Tittabawassee River, and downstream from Sanford Lake as well as the Sanford Dam. The damaged property occupies three acres of land and consists of a wood frame house with vinyl siding, a gazebo and a semi-portable garage.

347. Plaintiffs purchased the property in 2016 for \$50,000. Since they purchased the property, they have improved the property by building structures, renovating the living spaces, and otherwise maintaining and caring for the property.

348. The flooding on May 19, 2020 completely submerged the main floor of Plaintiffs' property. Floodwater flowed directly down river and destroyed all the contents inside Plaintiff's house. As a result of the flooding, Plaintiffs' property needed to be gutted and rebuilt.

349. While the damage to Plaintiffs' property is still ongoing, they have already lost business opportunities and rental earnings, and will continue to lose earnings as the Midland rental market plunged as a result of the flooding.

350. Plaintiffs have also lost their use and enjoyment of nearby waters. The flooding rendered Sanford Lake and nearby waters unfit for aesthetic and recreational use, which significantly diminished and continues to diminish the value of their property.

351. Plaintiffs Kristen Cooper and Warren Cooper own a parcel of real property located at 4912 Glencoe Street in Midland, Michigan.

352. Plaintiffs managed and held the property as a rental unit prior to the flooding.

353. Plaintiffs' property sits along the Sturgeon Creek, approximately 1.5 miles from the Tittabawassee River, and downstream from Sanford Lake as well as the Sanford Dam. This area is exempted from the flood plain. The damaged property is flat, usable in its entirety, and consists of a wood frame house with vinyl siding and a small steel shed.

354. Plaintiffs purchased the property in 2019 for \$80,000. Since they purchased the property, they have improved the property by building structures, renovating the living spaces, and otherwise maintaining and caring for the property.

355. The flooding on May 19, 2020 completely submerged the main floor of Plaintiffs' property. Floodwater flowed directly down river and destroyed all the contents inside the property. As a result of the flooding, Plaintiffs' property needed to be gutted and rebuilt.

356. While the damage to Plaintiffs' property is still ongoing, they have already lost business opportunities and rental earnings, and will continue to lose earnings as the Midland rental market plunged as a result of the flooding.

Correll, Daniel

357. Plaintiff Daniel W. Correll is a resident of Hope, Michigan who owns a parcel of real property located at 1133 Norway Drive. This property is his secondary residence.

358. Mr. Correll has owned and maintained the property for 13 years.

359. Plaintiff's property sits along the Titabawassee River with 85 feet of river frontage and a water level that typically stops at the top of the seawall. Plaintiff house is a 1,139 square foot cottage home with a wood frame and vinyl siding. The property also includes other structures and fixtures such as an insulated pole barn and an attached 1 car garage.

360. The flooding on May 19, 2020 caused the first floor of his house and his pole barn to flood with twelve to thirteen feet of water. The resulting damage was severe and required the first floor of the home to be gutted down

to the studs before rebuilding. All contents of the first floor of the home were destroyed and removed. Floodwaters also destroyed most of the contents inside Plaintiff's pole barn.

361. In addition to the damaged property, Plaintiff has lost the use and enjoyment of the lake and his property. Plaintiff has also lost value in his waterfront property due to the recession of the water of the Tittabawassee River.

Crawford, Bobbie

362. Plaintiff Bobbie Crawford owns a parcel of real property located at 402 Cedar Road in Edenville, Michigan in trust. This property is Plaintiff's primary residence and Plaintiff intends for this property to be her retirement home.

363. Plaintiff's property sits along the Tittabawassee River and approximately one mile downriver from the Edenville Dam. The usual water level of the Tittabawassee River is 30 feet below the ground level of Plaintiff's home.

364. The damaged property sits on the top of a hill and consists of 225 feet of Wixom Lake frontage, a wood-frame home with vinyl siding, a deck and a fully furnished basement, among other things.

365. Plaintiff purchased the property in 2015 for \$84,000. Since Plaintiff purchased the property, she has maintained and improved the property by adding structures, landscaping the yard, renovating the home, and otherwise maintaining and caring for the property.

366. The flooding on May 19, 2020 flooded the lower level of Plaintiff's home. In addition, floodwaters and mud destroyed Plaintiff's landscaping and other installed improvements in the yard.

367. While the damage to the Plaintiff's property is still ongoing, the flooding on May 19, 2020 drained Wixom Lake and its nearby waters. As a result, Plaintiff was deprived of full use and enjoyment of their waterfront property, causing the value of her property to have diminished and continue to diminish.

Crawford, David

368. Plaintiff David Crawford owns two parcels of real property located at 5710 Island Lane and 5735 Island Lane respectively in Beaverton, Michigan.

369. Both properties sit along the Tobacco River and immediately upstream from both the Edenville Dam as well as Wixom Lake. The usual water level of the river is approximately 15 feet from Plaintiffs' home.

370. Plaintiffs' properties are usable in their entirety. Their property located at 5710 Island Lane consists of 130 feet of river frontage while the one

at 5735 Island Lane has 100 feet of river frontage. Both properties include a wood-framed cottage with vinyl siding and a shed.

371. Purchased in 2005 for \$124,000, Plaintiffs' property located at 5735 Island Lane had a dock of 24 feet.

372. Purchased in 2007 for \$35,000, Plaintiffs' property located at 5710 Island Lane is flat and consists of two lots.

373. Since Plaintiff purchased the properties, he has improved the properties by building structures, planting trees, caring for the lawn, improving the home, and otherwise maintaining and caring for the properties.

374. On May 19, 2020, floodwater flowed directly down river and destroyed all the contents inside Plaintiff's home. Both properties needed to be completely gutted and rebuilt.

375. In addition to the damaged properties, Plaintiff was deprived of full use and enjoyment of Wixom Lake as well as his waterfront properties. Erosion caused by the flooding poses a continuous risk of compromising Plaintiff's sea wall. As a result, the value of Plaintiff's property has diminished and continues to diminish.

Cripe, Roberta

376. Plaintiff Roberta Lynn Cripe owns a parcel of real property located at 2789 North Little Canal Drive in Sanford, Michigan. This property is Plaintiff's

primary residence and Plaintiff intends for this property to be her retirement home.

377. Plaintiff's property sits on a small peninsula between Sanford Lake and a canal off of Sanford Lake. The usual water level of the Tittabawassee River is approximately 4 feet from the top of Plaintiff's sea wall.

378. The damaged property is usable in its entirety and consists of 200 feet of water frontage, a wood-frame home with vinyl siding, an 1800 square feet deck, a 10-person hot tub, a 3-car garage and a gazebo, among other things.

379. Plaintiff purchased the property in 1995 for \$319,000. Since Plaintiff purchased the property, she and her late husband have maintained and improved the property by adding structures, landscaping the yard, renovating the home, and otherwise maintaining and caring for the property.

380. The flooding on May 19, 2020 flooded the lower level of Plaintiff's home. Floodwaters and mud rose as high as 48 inches on the main floor of her home and approximately 72 inches in her garage. In addition, the flooding tore apart Plaintiff's dock, and destroyed half of Plaintiff's deck. Floodwater further pushed the broken dock through Plaintiff's foundation walls, causing structural damage to Plaintiff's property.

381. While the damage to the Plaintiff's property is still ongoing, the flooding on May 19, 2020 drained Sanford Lake and its nearby waters. As a

result, Plaintiff was deprived of full use and enjoyment of her waterfront property, causing the value of her property to have diminished and continue to diminish.

Cwiklinski, Lois and Sanford

382. Plaintiffs Lois and Sanford Cwiklinski owns a parcel of real property located at 2626 North Peterson Drive in Sanford, Michigan. This property is Plaintiffs' primary residence and Plaintiff intends for this property to be her retirement home.

383. Plaintiffs' property sits along the shore of Sanford Lake. The usual water level of the Sanford Lake is approximately 3 feet from the top of Plaintiff's sea wall.

384. The damaged property is usable in its entirety and consists of Sanford frontage, a wood-frame home with vinyl siding, a 500-gal Nordic hot tub, a 3-car heated garage, a boat dock and a paver brick patio, among other things.

385. Plaintiffs purchased the property in 2009 for \$285,000. Since Plaintiffs purchased the property, they have maintained and improved the property by adding structures, landscaping the yard, renovating the home, and otherwise maintaining and caring for the property.

386. The flooding on May 19, 2020 submerged Plaintiffs' basement and flooded the lower level of Plaintiff's home. Floodwaters and mud rose as high as 14 inches on the main floor of her home. In addition, the flooding caused Plaintiffs' patio to sink in and cracked several foundation walls of their home.

387. While the damage to the Plaintiffs' property is still ongoing, the flooding on May 19, 2020 drained Sanford Lake and its nearby waters. As a result, Plaintiffs were deprived of full use and enjoyment of the waterfront property, causing the value of the property to have diminished and continue to diminish.

Danielak, Scott

388. Plaintiff Scott Michael Danielak is a resident of Bay City, Michigan, and he owns two parcels of real property located on Benchley Drive in Beaverton, Michigan: Benchley Lot 20 and Benchley Lot 21.

389. Plaintiff's properties sit along the Tobacco River and upstream from both the Edenville Dam and Wixom Lake. Both properties are usable in its entirety and consist of 90 feet of Tobacco River frontage.

390. Plaintiff purchased the property in 1997 for \$19,900.

391. The flooding on May 19, 2020 deprived Plaintiff of full use and enjoyment of Wixom Lake as well as his riverfront property. Erosion caused by the flooding poses a continuous risk of compromising the integrity of Plaintiff's

property. As a result, the value of Plaintiff's property has diminished and continues to diminish.

Daris, Stephanie & Michael

392. Plaintiffs Michael Daris and Stephanie Daris own a parcel of real property located at 4781 North Anna Lane in Sanford, Michigan in trust. This property is their primary residence.

393. Both retired, the Daris intended for this property to be their retirement home.

394. Plaintiffs' property sits along the east shore of Sanford Lake and downriver from the Edenville Dam. The usual water level of Sanford lake is approximately one foot below the top of their sea wall.

395. Plaintiffs' property is primarily flat with mild slopes leading down towards the lake shore. In addition, their property includes 170 feet of Sanford Lake frontage, a wood frame home with vinyl siding, a finished walkout basement, a 2-car garage, a pole barn and a shed.

396. Plaintiffs purchased the property in 2016 for \$288,200. Since Plaintiffs purchased the property, they have maintained and improved the property by building structures, planting trees, improving the home on the property, and otherwise maintaining and caring for the property.

397. The flooding on May 19, 2020 drained Sanford Lake, thus depriving Plaintiffs of full use and enjoyment of Sanford Lake and their lakefront property. Erosion caused by the flooding poses a continuous risk of compromising Plaintiffs' sea wall. Hence, the value of Plaintiffs' property has diminished and continues to diminish.

Denno Raymond & Sally

398. Plaintiffs Raymond Denno and Sally Denno are residents of Saginaw, Michigan, and joint owners of a parcel of real property located at 7175 Helen Street.

399. Both retirees, the Dennos have intended for this property to be their retirement home.

400. The Dennos purchased the property in 2001 for \$100,000. For 19 years, they have maintained and improved the property by adding structures, renovating the living spaces, and otherwise maintaining and caring for the property. The property is flat and usable in its entirety. It consists of a ranch home with wood siding, a basement and a storage shed.

401. The flooding on May 19, 2020 totally submerged the Dennos' basement. Floodwaters and mud also caused one basement wall to collapse while destroying all the contents inside.

402. While the damage to the Plaintiffs' property is still ongoing, Plaintiffs also lost their use and enjoyment of nearby waters. The flooding rendered Sanford Lake and its nearby waters unfit for aesthetic and recreational use, which significantly diminished and continues to diminish the value of the Plaintiffs' property.

Deitz Scott and Linda

403. Plaintiffs Scott Deitz and Linda Deitz own a parcel of real property located at 405 East Richmond Drive in Hope, Michigan in trust. This property is their primary residence, and they intend for this property to be their retirement home.

404. Plaintiffs' property sits along the shore of Wixom Lake and upriver from the Edenville Dam. The usual water level of Wixom Lake reaches approximately 3 feet below the top of their sea wall.

405. The damaged property is pie-shaped and consists of 90 feet of Wixom Lake frontage, a wood-frame home with vinyl and brick siding, a portable tool shed, a dock and a boat hoist, among other things.

406. Since the Deitzs purchased the property in the early 2000s, they have maintained and improved the property by adding structures, landscaping the yard, renovating the home, and otherwise maintaining and caring for the property.

407. The flooding on May 19, 2020 completely flooded Plaintiff's yard. Floodwaters and mud also caused the damaged property to emit a strong and offensive odor.

408. While the damage to the Plaintiffs' property is still ongoing, the flooding on May 19, 2020 drained Wixom Lake and its nearby waters. As a result, Plaintiffs were deprived of full use and enjoyment of their lakefront property, causing the value of their property to have diminished and continue to diminish. Furthermore, erosion caused by the flooding poses a continuous risk of compromising Plaintiffs' sea wall.

Derus, Ronald and Gerre Johnson Derus

409. Plaintiffs Ronald Derus and Gerre Johnson Derus are residents of Beaverton, Michigan, and owners of a parcel of real property located at 1346 Highland Cove Drive. This is their secondary residence.

410. The Deruses spent a significant amount of time at this residence.

411. Plaintiffs purchased the property in 2000 for \$90,000. For 20 years, they maintained and improved the property by adding structures, renovating the living spaces, and otherwise maintaining and caring for the property. The property also includes 65 feet of water frontage, a storage shed, and over 70 feet of sea wall.

412. The normal water level of the Tittabawassee River is approximately 30 feet below

413. The property is flat and usable in its entirety. Plaintiffs have parked a double wide trailer that was built upon a poured concrete crawl space and sided with vinyl on the property. The flooding on May 19, 2020 led floodwaters and mud to reach beyond Plaintiffs' sea wall and damage the deck on the water frontage as well as the stairs leading thereto.

414. While the damage to the Plaintiffs' property is still ongoing, Plaintiffs also lost their use and enjoyment of nearby waters. The flooding rendered Wixom Lake and its nearby waters unfit for aesthetic and recreational use, which significantly diminished and continues to diminish the value of the Plaintiff's property. Erosion caused by the flooding poses a continuous risk of compromising Plaintiffs' sea wall.

Diffenderfer Melissa and Jeffrey

415. Plaintiff Melissa Diffenderfer owns a parcel of real property located at 5208 Sturgeon Creek Parkway in Midland, Michigan. This property is her and her husband's primary residence and intended retirement home.

416. Plaintiff's property sits near the Sturgeon Creek and downriver from Sanford Lake. Seated 330 feet away from the Surgeon Creek, Plaintiffs'

property is rectangular and consists of a contemporary ranch home with brick and cedar siding, a walk out basement, and a garden shed.

417. Since Plaintiff purchased the property in 2006, the Diffenderfers have maintained and improved the property by adding structures, renovating the living spaces, and otherwise maintaining and caring for the property.

418. The flooding on May 19, 2020 flooded Plaintiffs' basement with 4 feet of water while destroying all the contents inside. Floodwaters and mud came up to the east crawl space. Furthermore, the interior of the Plaintiffs' home needed to be gutted and rebuilt.

419. While the damage to the Plaintiff's property is still ongoing, the Diffenderfers lost their use and enjoyment of nearby waters. Flooding also rendered Sanford Lake unfit for aesthetic and recreational use, which significantly diminished and continues to diminish the value of the Plaintiff's property.

Dimech, Marcel & Susan

420. Plaintiffs Marcel Dimech and Susan Dimech are residents of Beaverton, Michigan, and joint owners of a parcel of real property located at 4879 Hill Drive. This is their primary residence.

421. The Dimechs' property sits along the Tittabawassee River, upstream from Wixom Lake, and approximately 3 feet above the usual water level of the Tittabawassee River.

422. The Dimechs purchased this property in 2002 for \$59,000. For almost 20 years, they have maintained and improved the property by adding structures, renovating the living spaces, and otherwise maintaining and caring for the property.

423. Bought as a vacant land, Plaintiffs' property now consists of 50 feet of water frontage, a two-story house built on a concert walkout basement, and a large two-car garage. An appraisal done in September 2020 indicated that the market value of the property is \$190,000, which was significantly less than its fair market value prior to the flooding.

424. The flooding on May 19, 2020 led floodwaters and mud to reach beyond Plaintiffs' sea wall and flooded Plaintiffs' basement, which they had just finished six months prior to the flooding. Fixtures and items destroyed by the flooding include, but are not limited to, drywall in the basement, cabinets, beds, shower stall, an antique sewing machine, and other miscellaneous household appliances.

425. While the damage to the Plaintiffs' property is still ongoing, Plaintiffs also lost their use and enjoyment of nearby waters. The flooding

rendered Wixom Lake and its nearby waters unfit for aesthetic and recreational use, which significantly diminished and continues to diminish the value of the Plaintiffs' property.

Domine, Patrick and Sandra

426. Plaintiffs Patrick L. Domine and Sandra F. Domine own a parcel of real property located at 5152 Ostlund Drive in Hope, Michigan in trust. This property is their primary residence.

427. Both retirees, they intend for this property to be their retirement home.

428. Plaintiffs' property sits along the shore of Wixom Lake and upriver from the Edenville Dam. The usual water level of Wixom Lake reaches their front yard but never any structures.

429. The property is usable in its entirety and consists of 65 feet of Wixom Lake frontage, a wood-frame home with vinyl siding, a garage with carport and a pole barn.

430. Since the Plaintiffs purchased the property in 2016, they have maintained and improved the property by adding structures, landscaping the yard, renovating the home, and otherwise maintaining and caring for the property.

431. The flooding on May 19, 2020 completely flooded Plaintiffs' deck on the water frontage. The water level rose as high as 30 inches in Plaintiffs' house, barn and garage. Floodwaters and mud also caused the property to emit a strong and offensive odor.

432. In addition to the damaged property, Plaintiffs were temporarily displaced and had to pay \$4,000 for temporary housing.

433. While the damage to the Plaintiffs' property is still ongoing, the flooding on May 19, 2020 drained Wixom Lake and its nearby waters. As a result, Plaintiff were deprived of full use and enjoyment of their lakefront property, causing the value of their property to have diminished and continue to diminish.

Dvornic, Petar

434. Plaintiff Petar Dvornic owns a parcel of real property located at 2806 St. Marys Drive in Midland, Michigan. This property is he and his wife's primary residence.

435. Plaintiff's property sits along the Sturgeon Creek, 2 miles from the Tittabawassee River, and downstream from Sanford Lake as well as the Sanford Dam. The damaged property consists of a wood frame house with Everlast siding, a cinder block basement, a storage shed and a two-car garage

436. Plaintiff purchased the property in 1998 for \$127,000. Since he moved into the property, he and his family have improved the property by building structures, renovating the living spaces, planting trees, and otherwise maintaining and caring for the property.

437. The flooding on May 19, 2020 completely submerged Plaintiff's home. Floodwater flowed directly down the river and destroyed all the contents inside. As a result of the flooding, Plaintiff's home needed to be gutted and rebuilt.

438. While the damage to Plaintiff's property is still ongoing, Plaintiff was temporarily displaced.

439. Plaintiff has also lost his use and enjoyment of nearby waters. The flooding rendered Sanford Lake and nearby waters unfit for aesthetic and recreational use, which significantly diminished and continues to diminish the value of Plaintiff's property.

Elmy, Shantele & Steven

440. Plaintiffs Shantele Elmy and Steven Elmy jointly own a parcel of real property located at 4900 Glencoe Street in Midland, Michigan in trust. This property is their primary residence and Plaintiffs intend for this property to be their retirement home.

441. Plaintiffs' property sits near the Sturgeon Creek and downriver from Sanford Lake. The Plaintiffs' property is rectangular and consists of a wood frame house with vinyl siding, a basement, and a shed.

442. Since Plaintiffs purchased the property in 2007, they have maintained and improved the property by adding structures, renovating the living spaces, and otherwise maintaining and caring for the property.

443. The flooding on May 19, 2020 totally submerged Plaintiffs' basement and the first level of their home while destroying all the contents inside. Furthermore, the interior of the Plaintiffs' home needed to be gutted and rebuilt.

444. While the damage to the Plaintiffs' property is still ongoing, the Plaintiffs lost their use and enjoyment of nearby waters. Flooding also rendered Sanford Lake unfit for aesthetic and recreational use, which significantly diminished and continues to diminish the value of the Plaintiffs' property.

Farber, Krayndel

445. Plaintiff Krayndel Farber owns a parcel of real property located at 5208 Sturgeon Creek Parkway in Midland, Michigan. This property is the primary residence and Plaintiff intend for this property to be a retirement home.

446. Plaintiff's property sits near the Sturgeon Creek and downriver from Sanford Lake. The Plaintiffs' property is rectangular and consists of a two-story wood frame house with vinyl siding, a walk out basement, and a shed.

447. The damaged property has been in Plaintiff's family for decades. Since Plaintiff purchased the property in 1970, she has maintained and improved the property by adding structures, renovating the living spaces, and otherwise maintaining and caring for the property.

448. The flooding on May 19, 2020 totally submerged Plaintiff's basement and the first level of the home while destroying all the contents inside. Furthermore, the interior of the Plaintiff's home needed to be gutted and rebuilt.

449. While the damage to the Plaintiff's property is still ongoing, the Plaintiff lost her use and enjoyment of nearby waters. Flooding also rendered Sanford Lake unfit for aesthetic and recreational use, which significantly diminished and continues to diminish the value of the Plaintiff's property.

Farnworth William & Shirley

450. Plaintiffs William Farnworth and Shirley Farnworth jointly own a parcel of real property located at 313 Island Drive in Beaverton, Michigan.

451. Plaintiffs' property sits along the shore of Wixom Lake and upstream from both the Edenville Dam and the Sanford Dam. The usual water level of the river is approximately 18 inches from the top of their sea wall.

452. Plaintiffs' property is usable in its entirety and consists of 60 feet of Wixom Lake frontage, a wood frame home with cedar panel siding, a walkout basement built on concrete foundation, a storage shed, and dock.

453. Plaintiffs purchased the property in 2000 for \$140,000. Since Plaintiffs purchased the property, they have improved the property by building structures, landscaping the yard, improving the home, and otherwise maintaining and caring for the property.

454. Floodwaters began to damage Plaintiffs' property on Tuesday, May 19, 2020 after the failure of the Edenville Dam and spillway. Floodwater flowed directly down river and onto Plaintiffs' property. The water level rose as high as 4 feet in Plaintiffs' home.

455. Due to the flooding, Plaintiffs were temporarily displaced and had to pay \$2000 for a travel trailer as their temporary housing.

456. In addition, the flooding deprived Plaintiffs of full use and enjoyment of Wixom Lake as well as their lakefront property. Erosion caused by the flooding poses a continuous risk of compromising Plaintiffs' sea wall. As

a result, the value of Plaintiffs' property has diminished and continues to diminish.

Faust, William & Kathleen

457. Plaintiffs William W. Faust and Kathleen A. Faust jointly own a parcel of real property located at 5760 S. Dundas Road in Beaverton, Michigan.

458. Plaintiffs' property sits along the shore of Wixom Lake and immediately upstream from the Edenville Dam. The usual water level of the river is approximately 2 feet below the top of their sea wall.

459. Plaintiffs' property is usable in its entirety and consists of 225 feet of Wixom Lake frontage, a wood frame home with vinyl siding, a walkout basement, a pole barn, a shed, a dock, and a well.

460. Plaintiffs purchased the property in 2013 for \$343,000. Since Plaintiffs purchased the property, they have improved the property by building structures, landscaping the yard, improving the home, and otherwise maintaining and caring for the property.

461. Floodwaters began to damage Plaintiffs' property on Tuesday, May 19, 2020. Floodwaters flowed directly down river and onto Plaintiffs' property. As a result of the flooding Plaintiffs' well was contaminated and rendered unusable.

462. In addition, the flooding deprived Plaintiffs of full use and enjoyment of Wixom Lake as well as their lakefront property. As a result, the value of Plaintiffs' property has diminished and continues to diminish.

463. Erosion caused by the flooding poses a continuous risk of compromising Plaintiffs' sea wall. Hence, new installations are required in order for Plaintiffs to maintain the integrity of the damaged property.

Ferguson Robert & Sharon

464. Plaintiffs Robert Ferguson and Sharon Ferguson jointly own a parcel of real property located at 3060 South Whitney Beach Road in Beaverton, Michigan.

465. Plaintiffs' property sits along the shore of Wixom Lake. The usual water level of the lake is approximately 3 feet from the top of Plaintiffs' seawall.

466. Plaintiffs' property is usable in its entirety and consists of 142 feet of Wixom Lake frontage, a wood-framed 2-story home with vinyl siding, a dock, and a pole barn.

467. The Fergusons purchased the damaged property in 2011 for \$115,000. Since Plaintiffs purchased the property, they have improved the property by building structures, planting trees, improving the home, and otherwise maintaining and caring for the property.

468. The flooding deprived Plaintiffs of full use and enjoyment of Wixom Lake as well as their riverfront property. Erosion caused by the flooding poses a continuous risk of compromising Plaintiffs' sea wall. As a result, the value of Plaintiffs' property has diminished and continues to diminish.

Fink, David & Shirley

469. Plaintiffs David Fink and Shirley Fink own a parcel of real property located at 4805 North Anna Lane in Sanford, Michigan. This property is their primary residence and retirement home.

470. The Finks' property sits along the east shore of Sanford Lake and downriver from the Edenville Dam. The usual water level of Sanford lake is 3 feet onto their sea wall.

471. Plaintiffs' property is primarily flat with mild slopes leading down towards the lake shore. In addition, their property includes 100 feet of Sanford Lake frontage, a two-and-a-half-story wood frame home, a finished walkout basement, a 2-car garage, and a shed.

472. After the Finks purchased the property in 1986 for \$245,000, they rebuilt their home in 1990 for \$150,000. Since then, the Finks have maintained and improved the property by building additional structures, planting trees, landscaping the yard, improving the home on the property, and otherwise maintaining and caring for the property.

473. Floodwaters began to damage Plaintiffs' property on Tuesday, May 19, 2020 after the failure of the Edenville Dam and spillway. Floodwater flowed directly down river and onto Plaintiffs' property, destroying Plaintiffs' decks and boat hoist.

474. The flooding on May 19, 2020 drained Sanford Lake, thus depriving Plaintiffs of full use and enjoyment of Sanford Lake and their lakefront property. Erosion caused by the flooding poses a continuous risk of compromising Plaintiffs' sea wall. Hence, the value of their property has diminished and continues to diminish.

Finney, Carolyn

475. Plaintiff Carolyn Finney owns a parcel of real property located at 2550 North River Road in Saginaw, Michigan. This property is her primary residence and retirement home.

476. Plaintiff's property sits along the Tittabawassee River and downstream from Sanford Lake as well as the Sanford Dam.

477. The damaged property is a riverfront property consisting of 125 feet of water frontage, wood frame house with vinyl siding, a finished basement, and a storage shed full of tools and furniture.

478. Plaintiff purchased the property in 1979 for \$62,875. For decades, she has improved the property by building structures, renovating the living spaces, and otherwise maintaining and caring for the property.

479. The flooding on May 19, 2020 completely submerged Plaintiff's basement. Floodwater flowed directly down the river and destroyed all the contents inside Plaintiff's basement. The water level rose as high as 3 feet on the ground floor. The interior of the damaged property needed to be gutted and rebuilt.

480. Plaintiff and her family have also lost their use and enjoyment of nearby waters. The flooding rendered Sanford Lake and nearby waters unfit for aesthetic and recreational use, which significantly diminished and continues to diminish the value of Plaintiff's riverfront property.

Finney, Jeremy

481. Plaintiff Jeremy Finney is a resident of Beaverton Michigan who owns a parcel of land at 5195 Wixom Drive.

482. The flooding on May 19, 2020 caused Plaintiff to suffer property damage and reduced the value of Plaintiff's property.

Firth, Stacy

483. Plaintiff Stacy Firth owns a parcel of real property located at 309 West Dague Road in Sanford, Michigan in trust. This property is their primary residence and intended retirement home.

484. Plaintiff's property sits along the east shore of Sanford Lake and downriver from the Edenville Dam. The usual water level of Sanford Lake is approximately one foot below the top of their sea wall.

485. Plaintiff's property is primarily flat with mild slopes leading down towards the lake shore. In addition, their property includes 295 feet of Sanford Lake frontage, a brick home, a finished walkout basement, a 2-car garage, a pole barn and 2 sheds.

486. Plaintiff purchased the property in 2009 for \$200,000. Since Plaintiff purchased the property, she has maintained and improved the property by building structures, planting trees, improving the home on the property, and otherwise maintaining and caring for the property.

487. The flooding on May 19, 2020 drained Sanford Lake, thus depriving Plaintiff of full use and enjoyment of Sanford Lake and their lakefront property. Erosion caused by the flooding poses a continuous risk of compromising Plaintiff's sea wall. Hence, the value of Plaintiff's property has diminished and continue to diminish.

Fleming, Gary & Susan

488. Plaintiffs Gary Fleming and Susan Fleming jointly own a parcel of real property located at 325 Island Drive in Beaverton, Michigan. This property is their secondary residence.

489. Plaintiffs' property sits along the shore of Wixom Lake. The usual water level of the lake is approximately 3 feet below the top of Plaintiffs' seawall.

490. Plaintiffs' property is usable in its entirety and consists of 95 feet of Wixom Lake frontage, a wood-framed 2-story home with vinyl siding, a dock, and a pole barn.

491. The Flemings purchased the damaged property in 2000 for \$199,000. Since Plaintiffs purchased the property, they have improved the property by building structures, planting trees, improving the home, and otherwise maintaining and caring for the property.

492. The flooding on May 19, 2020 completely submerged the crawlspace of Plaintiffs' home. The water level also rose as high as 2 feet on the ground floor, destroying most contents inside. Furthermore, the inside of their property needed to be gutted and rebuilt.

493. The flooding also deprived Plaintiffs of full use and enjoyment of Wixom Lake as well as their lakefront property. Erosion caused by the flooding

poses a continuous risk of compromising Plaintiffs' sea wall. As a result, the value of Plaintiffs' property has diminished and continues to diminish.

Galonska, Thomas & Kelley

494. Plaintiffs Thomas A. Galonska and Kelley Galonska jointly own a parcel of real property located at 293 Tammy Court in Beaverton, Michigan. This is their primary residence and intended retirement home.

495. Plaintiffs' property sits along the shore of Wixom Lake and immediately downstream from the Edenville Dam. The property is usable in its entirety and consists of, among other things, 95 feet of Wixom Lake frontage, a wood-framed single-story home with vinyl siding, a dock, a boat hoist, and a 2-car garage.

496. Since they purchased the property, they have improved the property by building structures, planting trees, improving the home, and otherwise maintaining and caring for the property.

497. The flooding on May 19, 2020 completely submerged the crawlspace of Plaintiffs' home. The water level also rose as high as 3.5 feet in their home, destroying all contents inside. The inside of the damaged property needed to be gutted and rebuilt.

498. In addition to the damaged property, Plaintiffs were temporarily displaced and had to pay for temporary housing.

499. The flooding also deprived Plaintiffs of full use and enjoyment of Wixom Lake as well as their riverfront property. Erosion caused by the flooding poses a continuous risk of compromising Plaintiffs' sea wall. As a result, the value of Plaintiffs' property has diminished and continues to diminish.

Gawlowski, James

500. Plaintiff James Gawlowski owns a parcel of real property located at 5375 Oakridge Drive in Beaverton, Michigan.

501. Plaintiff's property sits along the Tittabawassee River and upstream from both the Edenville Dam and Wixom Lake. The usual water level of the lake is approximately 1.5 feet from the top of their sea wall.

502. Plaintiff's property is usable in its entirety and consists of 60 feet of Wixom Lake frontage, a wood frame home with brick trim all around, a 3.5-car garage, a dock, a well, and two hoists.

503. Plaintiff purchased the property in 1989 for \$60,000. Since Plaintiff purchased the property, he and his late wife improved the property by building structures, improving the home, and otherwise maintaining and caring for the property.

504. Floodwaters began to damage Plaintiff's property on Tuesday, May 19, 2020 after the failure of the Edenville Dam and spillway. Floodwater flowed

directly down the river and completely flooded the crawlspace of Plaintiff's property. The water level rose as high as 20 inches in Plaintiff's home.

505. In addition, the flooding deprived Plaintiffs of full use and enjoyment of Wixom Lake as well as their riverfront property. Erosion caused by the flooding poses a continuous risk of compromising Plaintiff's sea wall. As a result, the value of Plaintiff's property has diminished and continues to diminish.

Gay Betty

506. Plaintiff Betty Gay owns a parcel of real property located at 415 East Wackerly Road in Sanford, Michigan. This property is her primary residence and intended retirement home.

507. Plaintiff's property sits near the Tittabawassee River, approximately 2 miles from Sanford Lake, and downstream from the Sanford Dam.

508. Plaintiff's property is primarily flat and usable in its entirety. In addition, the property includes a wood frame home with cedar siding, a finished walkout basement, a 3-car garage, and a shed.

509. Plaintiff purchased the property in 1990 for \$40,000. Since Plaintiff purchased the property, they have maintained and improved the property by

building structures, planting trees, improving the home on the property, and otherwise maintaining and caring for the property.

510. Floodwaters began to damage Plaintiff's property on Tuesday, May 19, 2020 after the failure of the Edenville Dam and spillway. Floodwater flowed directly down river and completely flooded the crawlspace and ground floor of Plaintiff's property. The water level rose as high as 4.5 feet in Plaintiff's home. As a result of the flooding, Plaintiff's property needed to be completely gutted and rebuilt.

511. The flooding on May 19, 2020 also significantly lowered the water level of Sanford Lake, thus depriving Plaintiff of full use and enjoyment of Sanford Lake and the lakefront property. Erosion caused by the flooding poses a continuous risk of compromising Plaintiff's sea wall. Hence, the value of Plaintiff's property has diminished and continues to diminish.

Gaylord, Patricia and John

512. Plaintiffs Patricia L. Gaylord and John E. Gaylord jointly own a parcel of real property located at 2660 South Whitney Beach Road in Beaverton, Michigan.

513. Plaintiffs' property sits along the Tittabawassee River and upstream from Wixom Lake. The usual water level of the river is approximately 3 feet from the top of Plaintiffs' sea wall. Usable in its entirety, Plaintiffs'

property consists of 75 feet of Tittabawassee River frontage as well as temporary structures such as a garage, a playhouse for children, a dock and a pontoon hoist.

514. Plaintiffs purchased the damaged property in 2013 for \$90,000 and subsequently rebuilt their home for \$210,000. At the time of the flooding, Plaintiffs were in the final stages of building their 1400-square-foot new residence that is constructed of wood frame with vinyl siding.

515. In addition to building structures, Plaintiffs and their family have improved the property by planting trees, caring for the lawn, improving the home, and otherwise maintaining and caring for the property.

516. The flooding on May 19, 2020 caused irrevocable damage to Plaintiffs' property. Floodwaters and mud flowed directly down river and over Plaintiffs' seawall. The water level rose as high as 3 feet in the crawl space and 1.5 feet on the ground level of their newly-constructed home. Plaintiffs' garage was also flooded with 4 feet of floodwater. The flooding destroyed numerous items and fixtures, including but not limited to, flooring, electrical box, wiring and ductwork in crawl space, 2 lawn mowers, a generator, and a pressure washer.

517. While the damage to the Gaylords' property is still ongoing, they were temporarily displaced due to the flooding and had to pay approximately \$1,000 for temporary housing.

518. Furthermore, the flooding deprived Plaintiffs of full use and enjoyment of the Tittabawassee River as well as their riverfront property. Erosion caused by the flooding poses a continuous risk of compromising Plaintiffs' seawall. As a result, the value of Plaintiffs' property has diminished and continues to diminish.

Gentry, Sheryl

519. Plaintiff Sheryl Gentry owns a parcel of real property located at 5516 North Merry Court in Sanford, Michigan. This property is her primary residence.

520. Plaintiff's property sits along the Tittabawassee River, approximately 3 miles downriver from the Edenville dam, and upstream from the Sanford dam. The property is usable in its entirety and includes 90 feet of water frontage, a finished walkout basement, a detached garage, and a storage shed.

521. Plaintiff purchased the property in 2015 for \$235,000. Since then, she has maintained and improved the property by adding structures,

landscaping the yard, renovating the home, and otherwise maintaining and caring for the property.

522. The flooding on May 19, 2020 completely submerged Plaintiff's basement, destroying all contents inside and filling it with three-to-four inches of mud. Floodwaters also rose as high as 72 inches on the ground floor of Plaintiff's home. As a result, the interior of Plaintiff's finished basement, including a finished family room, her 21-year-old daughter's bedroom, and a utility room, needed to be gutted completely. Ms. Gentry had to replace the appliances, drywall, insulation, flooring, and furniture, as well as all of her daughter's belongings.

523. While the damage to Plaintiff's property is still ongoing, she lost her use and enjoyment of the water of Sanford Lake. The flooding on May 19, 2020, caused the shore of the Tittabawassee River to recede and left Sanford Lake unfit for aesthetic and recreational use. As a result, the value of Plaintiff's riverfront property significantly decreased.

Getgood James

524. Plaintiff James L. Getgood owns a parcel of real property located at 536 West Donald Drive in Sanford, Michigan.

525. Intended to be a vacation home, the Getgoods' property sits along the west shore of Sanford Lake and downriver from the Edenville Dam. The usual water level of Sanford lake is 4 feet below their sea wall.

526. Plaintiff's property is primarily flat with mild slopes leading down towards the lake shore. In addition, their property includes 60 feet of Sanford Lake frontage, a two-story single-family home with a finished basement, a 2-car garage, a pump house, a boat lift, a dock, and a shed.

527. Since Plaintiff purchased the property in 2014, he has maintained and improved the property by building structures, planting trees, improving the home on the property, and otherwise maintaining and caring for the property.

528. The flooding on May 19, 2020 drained Sanford Lake, thus depriving Plaintiff of full use and enjoyment of Sanford Lake and the lakefront property. Erosion caused by the flooding poses a continuous risk of compromising Plaintiff's sea wall. Hence, the value of Plaintiff's property has diminished and continues to diminish.

529. Furthermore, Plaintiff was charged with paying for erosion damage occurring at the bottom of Sanford Lake as a result of the flooding.

Giacoletti, John

530. Plaintiff John Giacoletti owns a parcel of real property located at 6690 Stroebel Road in Saginaw, Michigan. This property is his primary residence and he lives there with his two young children, one of whom is at merely seven months of age.

531. Plaintiffs' property sits along the Tittabawassee River and downstream from Sanford Lake as well as the Sanford Dam.

532. The damaged property occupies 5.34 acres and is a riverfront property consisting of wood frame house with stone siding, a full basement, multiple storage sheds and a 3-car garage

533. Plaintiff recently purchased the property in 2020 for \$295,000. Since he moved into the property, he has improved the property by building structures, renovating the living spaces, and otherwise maintaining and caring for the property.

534. The flooding on May 19, 2020 completely submerged Plaintiff's garage. Floodwater flowed directly down river and buried the entire property under water. The interior of the damaged property needed to be gutted and rebuilt.

535. While the damage to Plaintiff's property is still ongoing, Plaintiff and his family was temporarily displaced.

536. Plaintiff and his family have also lost their use and enjoyment of nearby waters. The flooding rendered Sanford Lake and nearby waters unfit for aesthetic and recreational use, which significantly diminished and continues to diminish the value of Plaintiff's riverfront property.

Ginter Michael & Peggy Sue

537. Plaintiffs Michael Ginter and Peggy Sue Ginter jointly own a parcel of real property located at 809 Atwell Street in Midland, Michigan. This property is their primary residence and Plaintiffs intend for this property to be their retirement home.

538. Plaintiffs' property sits near the Tittabawassee River and downriver from Sanford Lake. The Plaintiffs' property occupies 3 acres of land and consists of a two-story wood frame house with vinyl siding, a walk-out basement, and a barn.

539. The damaged property has been in Plaintiffs' family for decades. Since Plaintiffs purchased the property in 1970, they have maintained and improved the property by adding structures, renovating the living spaces, and otherwise maintaining and caring for the property.

540. The flooding on May 19, 2020 totally submerged Plaintiffs' basement and the first level of their home while destroying all the contents

inside. Furthermore, the interior of the Plaintiffs' home needed to be gutted and rebuilt.

541. While the damage to the Plaintiffs' property is still ongoing, the Plaintiffs lost their use and enjoyment of nearby waters. The flooding on May 19, 2020, rendered Sanford Lake unfit for aesthetic and recreational use, which significantly diminished and continues to diminish the value of the Plaintiffs' property.

Andra M. Ginis/David A. Ginis

542. Plaintiffs David A. Ginis and Andra M. Ginis jointly own a parcel of real property located at 5011 Sturgeon Creek Parkway in Midland, Michigan. This property is their primary residence, and they intended for this property to be their retirement home.

543. Plaintiffs' property sits near the Sturgeon Creek, approximately two miles from the Tittabawassee River, and downstream from Sanford Lake. The property includes a wood frame home with cedar siding and red brick, a furnished basement, and a 2-car garage.

544. Plaintiffs purchased the property in 1989 for \$81,000. Since they moved into the property, they have improved the property by adding a 1,400 square foot addition to the home in 1992 and 1993.

545. The flooding on May 19, 2020 totally submerged Plaintiffs' basement. The water level rose as high as 3 feet in the garage and 1 foot on the main floor. Floodwaters and mud destroyed all the contents inside their home and the car in their driveway. Furthermore, the interior of the Plaintiffs' home needed to be gutted and rebuilt.

546. Plaintiffs have worked constantly on their home since the flood, causing stress and leaving little time to spend with friends and family. They have had to take days off every week from working in their business to work on repairing their home instead, depriving them of income.

547. Plaintiffs have been unable to host their grandchildren in their home due to the flood damage because they do not have a spare bedroom completed. Their neighborhood is also changing drastically as a large portion of their neighbors have decided to sell their homes and move after the flood.

548. While the damage to Plaintiffs' property is still ongoing, Plaintiffs were temporarily displaced. Plaintiffs have also lost their use and enjoyment of nearby waters. The flooding rendered Sanford Lake and nearby waters unfit for aesthetic and recreational use, which significantly diminished and continues to diminish the value of their property.

Goodwin Donna

549. Plaintiff Donna Goodwin owns a parcel of real property located at 2935 North Lakeview Drive in Sanford, Michigan. This was her primary residence and retirement home.

550. Plaintiff's property sits along the east shore of Sanford Lake and downriver from the Edenville Dam. The usual water level of Sanford Lake is approximately 1 foot below her sea wall.

551. Plaintiff's property is primarily flat with mild slopes leading down towards the lake shore. In addition, her property includes, among other things 125 feet of Sanford Lake frontage, a wood frame home with vinyl siding, a 2-car garage, a dock, a large deck leading to the sea wall, and a shed.

552. The damaged property has been in Plaintiff's family for decades. Since they purchased the property in 1960, they have maintained and improved the property by building structures, planting trees, improving the home on the property, and otherwise maintaining and caring for the property.

553. The flooding on May 19, 2020 drained Sanford Lake, thus depriving Plaintiff of full use and enjoyment of Sanford Lake and their lakefront property.

554. Plaintiff has lost her retirement home, which will now be demolished, and lives with her son on a permanent basis.

Goheen, Janet

555. Plaintiff Janet Goheen is a resident of Beaverton, Michigan, and the owner of a parcel of real property located at 1634 East Highwood Road.

556. Plaintiff's property sits along the east side of Tittabawassee River, is usable in its entirety, and consists of full Tittabawassee River frontage on one side of her land. Plaintiff lives in a wood frame modular home with a big family room addition and a garage. In addition to her home, she also has built and added structures and fixtures including a metal carport, three docks on the river, and a deck overlooking the river.

557. Plaintiff purchased the property in 1978. Since Plaintiff purchased the property, she has improved the property by building structures, landscaping, improving the home, and otherwise maintaining and caring for the property.

558. Floodwaters began to damage Plaintiff's property on Tuesday, May 19, 2020. Water flowed directly down river and completely flooded Plaintiff's family room addition and the crawlspace of her home. The water level rose as high as 3 feet in her family room causing all contents inside to be destroyed. Furthermore, floodwaters and mud submerged Plaintiff's deck. The interior of Plaintiff's family room needed to be completely gutted and rebuilt.

559. In addition, the flooding caused the water level of the Tittabawassee River to recede, depriving Plaintiff of full use and enjoyment

of the Tittabawassee River as well as her riverfront property. Erosion caused by the flooding poses a continuous risk of compromising the integrity of Plaintiff's property.

Gorivodskiy, Eugene

560. Plaintiffs Yevgeniy Gorivodskiy and Sabina Gorivodskiy own a parcel of real property located at 978 Timberlynn Trail in Sanford, Michigan.

561. Plaintiffs' property sits near the mouth of the Tittabawassee River and along the shore of Sanford Lake. Plaintiffs' property is divided into three lots which are all rectangular in shape. The property has Sanford Lake frontage and hosts a park model home with a deck, a trailer, and 2 docks.

562. Plaintiffs purchased the property in 2019 for \$128,000. Since Plaintiffs purchased the property, they have not only maintained and improved the property by adding structures, planting, landscaping, they have also enhanced lake access and spent quality family time on the property.

563. The flooding on May 19, 2020 caused one lot on their property to flood completely with mud, and floodwaters washed their deck and trailer away. While the damage to Plaintiffs' property is still ongoing, they almost lost all contents in their home and the use and enjoyment of the lake.

Grakauskas, Kenneth and Patricia

564. Plaintiffs Kenneth Grakauskas and Patricia Grakauskas own a parcel of real property located at 5405 North Fox Road in Sanford, Michigan in trust.

565. Plaintiffs' property sits near the mouth of the Tittabawassee River and along the shore of Sanford Lake. Plaintiffs' property is flat and usable in its entirety. The property has 150 feet of Sanford Lake frontage, wood-frame home with vinyl siding, and an off-grid solar system consisting of 32 solar panels.

566. Plaintiffs built the home on their property in 2015 for \$450,000. Since Plaintiffs purchased the property, they have maintained and improved the property by adding structures, planting, landscaping and enhanced the lake access.

567. The flooding on May 19, 2020 drained Sanford Lake, thus depriving Plaintiffs of full use and enjoyment of Sanford Lake and their lakefront property. Erosion caused by the flooding poses a continuous risk of compromising Plaintiffs' sea wall. Hence, the value of Plaintiffs' property has diminished and continues to diminish.

Greenfield Dale & Sharon

568. Plaintiffs Dale Greenfield and Sharon Greenfield own a parcel of real property located at 5447 Oakridge Drive in Beaverton, Michigan. This property is their primary residence.

569. Plaintiffs' property sits along the shore of Wixom Lake and upstream from both the Edenville Dam and the Sanford Dam. The usual water level of the river is approximately 3 feet from the top of their sea wall.

570. Plaintiffs' property is usable in its entirety and consists of 65 feet of Wixom Lake frontage, and a wood frame home with vinyl siding.

571. Plaintiffs purchased the property in 1986 for \$23,000. Since Plaintiffs purchased the property, they have improved the property by building structures, mowing the lawn, improving the home, and otherwise maintaining and caring for the property.

572. Floodwaters began to damage Plaintiffs' property on Tuesday, May 19, 2020 after the failure of the Edenville Dam and spillway. Floodwater flowed directly down river and completely flooded Plaintiffs' property. The interior of Plaintiffs' home needed to be completely gutted.

573. In addition, the flooding deprived Plaintiffs of full use and enjoyment of Wixom Lake as well as their riverfront property. Erosion caused by the flooding poses a continuous risk of compromising Plaintiffs' sea wall. As a result, the value of Plaintiffs' property has diminished and continues to diminish.

Gricar Joel

574. Plaintiff Joel Grciar owns a parcel of real property located at 580 West Donald Drive in Sanford, Michigan. This property is his primary residence and intended retirement home.

575. Plaintiff's property sits near the mouth of the Tittabawassee River and along the west shore of Sanford Lake. Plaintiff's property is flat and usable in its entirety. The property has 100 feet of Sanford Lake frontage, wood-frame home with cedar shake siding, a boat dock and 5 boat lifts.

576. Plaintiff purchased the property in 1974 for \$31,000. Since then, he and his family have not only maintained but also improved the property by adding structures, planting trees, and landscaping the yard. They have also enhanced lake access and spent quality family time on the property.

577. The flooding on May 19, 2020 completely destroyed Plaintiff's dock and boat lifts.

578. In addition to damage to Plaintiff's properties, the flooding drained Sanford Lake, thus depriving Plaintiffs of full use and enjoyment of Sanford Lake and his lakefront property. Erosion caused by the flooding poses a continuous risk of compromising Plaintiff's sea wall. Hence, the value of Plaintiffs' property has diminished and continues to diminish.

Grigar E. Thomas

579. Plaintiff Thomas E. Grigar is a resident of Sanford, Michigan and the owner of a parcel of real property located at 4804 Verity Road. This property is his primary residence and intended retirement home.

580. Plaintiff's property sits along the west shore of Tittabawassee River, downriver from the Edenville Dam and immediately upstream from Sanford Lake. Plaintiff's property is flat and usable in its entirety. The property has 100 feet of Sanford Lake frontage, wood-frame home with vinyl siding, an unpaved garage, and a deck leading to a dock as well as the water frontage.

581. Plaintiff purchased the property in 1986 for \$35,000. Since then, he and his family have not only maintained but also improved the property by adding fixtures, planting trees, and landscaping the yard. For decades, he and his family have spent quality family time on the property.

582. The flooding on May 19, 2020 completely submerged Plaintiff's property with over 10 feet of floodwater. Floodwater and mud compromised the structure of Plaintiff's home while destroying all the contents inside. As a result of the flooding, Plaintiff's home needed to be gutted completely and rebuilt. While the damage to Plaintiff's property is still ongoing, Plaintiff lost his vehicle to the flood.

583. In addition to damage to Plaintiff's properties, the flooding caused the water of the Tittabawassee River to recede, thus depriving Plaintiffs of full

use and enjoyment of the Tittabawassee River, Sanford Lake, and his lakefront property. Erosion caused by the flooding poses a continuous risk of compromising Plaintiff's property. Hence, the value of Plaintiffs' property has diminished and continues to diminish.

Griessel, Christine and Gregory

584. Plaintiffs Christine Griessel and Gregory Griessel are residents of Sanford, Michigan who jointly own a parcel of real property located at 535 West Donald Drive. This property is their primary residence and intended retirement home.

585. Plaintiffs purchased the property in 2019 for \$177,000. They moved into this property merely a week prior to the flooding.

586. The plaintiffs' property sits near the west side of Sanford Lake with private access to the lakeshore. Their house is a 1,900 square foot, wood frame single-family home with vinyl siding and a finished walkout basement that adds an additional 1,800 square feet of living space.

587. The plaintiffs also have several exterior structures on the property. These include 2 outbuildings, a new aluminum dock, a walkout basement deck, a shed, and an accessory building.

588. The flooding on May 19, 2020 caused floodwater to come onto Plaintiff's property, damaging their outdoor structures including their dock. In

addition to the damaged property, the plaintiffs have lost the use and enjoyment of the lake and have lost value in their waterfront home.

Grove Tim & Robin

589. Plaintiffs Tim Grove and Robin Grove own a parcel of real property located at 5317 Oakridge Drive in Beaverton, Michigan. This property is their secondary residence.

590. Plaintiffs' property sits along the shore of Wixom Lake, near the Tobacco River, and upstream from both the Edenville Dam and the Sanford Dam. The usual water level of the river is below the top of their sea wall.

591. Plaintiffs' property is usable in its entirety and consists of 90 feet of Wixom Lake frontage, a wood frame cottage with wood siding, a tool shed, and a boat hoist.

592. Plaintiffs purchased the property in 2005 for \$112,000. Since Plaintiffs purchased the property, they have improved the property by building structures, mowing the lawn, improving the home, and otherwise maintaining and caring for the property.

593. Floodwaters began to damage Plaintiffs' property on Tuesday, May 19, 2020 after the failure of the Edenville Dam and spillway. Floodwater flowed directly down river and over Plaintiffs' sea wall.

594. As a result of the flooding, Plaintiffs were deprived of full use and enjoyment of Wixom Lake as well as their lakefront property. Erosion caused by the flooding poses a continuous risk of compromising Plaintiffs' sea wall. As a result, the value of Plaintiffs' property has diminished and continues to diminish.

Gutchak Ronald and Drabek Debi

595. Plaintiff Ronald D. Gutchak and Debi Drabek owns a parcel of real property located at 5435 Oakridge Drive in Beaverton, Michigan. This property is he and his wife's primary residence and intended retirement home.

596. Plaintiff's property sits along the Tobacco River and upstream from both the Edenville Dam as well as the Sanford Dam. The usual water level of the river is approximately 3 feet below the top of their sea wall.

597. Plaintiff's property is usable in its entirety and consists of 50 feet of Tobacco River frontage, a wood frame cottage with wood siding, a 3.5-car garage, a dock with water access, a tool shed, and a boat hoist.

598. Plaintiff purchased the property in 2005 for \$112,000. Since Plaintiff purchased the property, he has improved the property by building

structures, mowing the lawn, improving the home, and otherwise maintaining and caring for the property.

599. Floodwaters began to damage Plaintiff's property on Tuesday, May 19, 2020 after the failure of the Edenville Dam and spillway. Floodwater flowed directly down river and over Plaintiffs' sea wall. Floodwaters and mud rose as high as 3.5 feet on the ground floor of their home, destroying all contents inside. The interior of Plaintiff's home needed to be gutted and rebuilt.

600. In addition to the damaged property, Plaintiff and his wife were temporarily displaced and had to pay for a camper trailer for temporary housing.

601. Plaintiff is also deprived of full use and enjoyment of Wixom Lake as well as his riverfront property. Erosion caused by the flooding poses a continuous risk of compromising Plaintiff's sea wall. As a result, the value of Plaintiff's property has diminished and continues to diminish.

Guzman, Victor & Heather

602. Plaintiffs Victor Guzman and Heather Guzman jointly own a parcel of real property located at 8560 Delaney Drive in Freeland, Michigan. This property is their primary residence.

603. Plaintiff's property sits near the Tittabawassee River and downstream from Sanford Lake as well as the Sanford Dam. The damaged

property is a riverfront property consisting of wood frame tri-level house with vinyl siding, a full basement, a swimming pool and a jacuzzi.

604. Plaintiff purchased the property in 2017 for \$12,700. Since they moved into the property, they have improved the property by adding structures, renovating the living spaces, and otherwise maintaining and caring for the property.

605. The flooding on May 19, 2020 completely submerged Plaintiffs' basement. Floodwater flowed directly down the river and destroyed all the contents inside. Floodwater also rose as high as 2 feet on the ground floor. The interior of the damaged property needed to be gutted and rebuilt.

606. While the damage to Plaintiffs' property is still ongoing, Plaintiffs were temporarily displaced and had to pay for alternative lodgment.

607. Plaintiffs have also lost their use and enjoyment of nearby waters. The flooding rendered Sanford Lake and the Tittabawassee River unfit for aesthetic and recreational use, which significantly diminished and continues to diminish the value of Plaintiffs' property.

Hall, David and Kimberly

608. Plaintiffs David Hall and Kimberly Hall are residents of Gladwin, Michigan who jointly own a parcel of real property located at 186 New Trail Road. This property is their primary residence.

609. The Halls bought the property in 2019 as a retirement home and as a place for them and their grandchildren to enjoy boating, fishing, swimming, kayaking, and tubing on the lake. The family was devastated and disappointed that the lake had disappeared due to the failure of the Edenville Dam.

610. The Halls' property is ten acres and sits on the north side of Smallwood Lake, North of M-61 with 400 feet of Smallwood Lake frontage. Their home is a 1,570 square foot house with a wood frame and vinyl siding.

611. The flooding on May 19, 2020 caused erosion damage to the lake frontage of the property. The drop in the water level of Smallwood Lake has also diminished the value of the property and made the lake unusable to the Halls. They have sold their boat and cannot enjoy the view of the lake, which is now full of weeds, stumps, and algae-filled water.

612. The Halls are now stressed and disappointed because they are unable to fully enjoy their retirement home for an indefinite period of time. This stress is exacerbated by the possibility that they will be forced to pay the costs associated with rebuilding and maintaining the dams.

Haney, Laurie and Ronald

613. Plaintiffs Laurie Haney and Ronald Haney are residents of Beaverton, MI who own a parcel of real property located at 311 Island Drive. This property is their secondary residence.

614. The Haney's have owned and maintained the property for 15 years. They began remodeling and updating the home in 2006. They turned the attached one car garage into a living room, added a mudroom that housed the hot water heater, washer and dryer, and a closet. They updated the existing bathroom on the main floor, raised the roof to add a second floor to the home which now includes a master bedroom, master bathroom, two closets, and a balcony. In 2018, they gutted & remodeled the entire first floor, sanded & refinished the hardwood floors, added knotty pine to the ceilings, and remodeled the kitchen.

615. The Haney's' property sits on the Wixom Lake with 67 feet of lake frontage and a water level that is typically between one and two feet below the seawall. The Haney's' house is a 1,750 square foot two-story home with a wood frame and vinyl siding.

616. The property also includes outdoor structures such as a deck, a dock, a shed, hoists, a pole barn, and a tiki bar.

617. The flooding on May 19, 2020 caused the first floor of their house and their pole barn to flood with three to four feet of water. The resulting

damage was severe and required the first floor of the home to be gutted down to the studs before rebuilding. All contents of the first floor of the home were destroyed.

618. Floodwaters also destroyed most of the contents of the pole barn as well as Haneys' deck, dock, well, and washed away their pontoon.

619. The Haneys have both had to take out personal loans to pay the extensive costs involved in repairing their home. The daily tasks involved with dealing with the aftermath of the flooding has been emotionally draining for them. This is made more difficult by the loss of their personal items and memorabilia that cannot be replaced and the loss of their home that served as their getaway.

620. In addition to the damaged property, the Haneys have lost the use and enjoyment of the lake and their property. They have not been able to occupy the property since May 18, 2020. The Haneys have also lost value in their waterfront property.

Hanson, George

621. Plaintiff George Hanson and his wife Nancy Hanson are residents of Midland, Michigan who own a parcel of real property located at 248 E. Youngs Court. This property is their primary residence.

622. The Hansons have owned this property for 30 years. When they purchased the property, it was only a plot of land. Since that time, they have built a house, garage, and two pole barns. The Hansons settled in this area largely due to their close proximity and access to the Tittabawassee River and Sanford Lake, which they would use almost daily for fishing, recreation, and the nearby city park with views of the water.

623. The Hansons' property is located near the Tittabawassee River and the Sanford Lake, with nearby access to a boat launch and city park. The Hansons' home is a 1,600 square foot ranch style with a wood frame and vinyl siding.

624. The flooding on May 19, 2020 deprived the Hansons of the use and enjoyment of the Tittabawassee River and the Sanford Lake. The Hansons are unable to enjoy the proximity of their property to these bodies of water and would have to travel up to 80 miles in order to engage in their usual recreational activities.

625. In addition to the loss of use of the water, the Hansons have suffered a loss of value to their property.

Hart, Marc, Miles, and Denise

626.

627. Plaintiffs Marc Hart, Miles Hart, and Denise Hart are residents of Birmingham, Michigan who own a parcel of real property located at 930 West

Blue Ridge Drive in Sanford, Michigan. This property is their secondary residence.

628. The Harts' property sits on a hill above the Sanford Lake with 150 feet of lake frontage and contains a log home with a walkout suite on the lower level and a two-car attached garage.

629. The Harts' property contains extensive ornamental features and landscaping as well as dock, decking, stairs, storage shed, kayak stand, and boat tie system.

630. The flooding on May 19, 2020 caused the water to rise roughly 30 feet above the normal level, flooding the property with water and debris. The dock, decking, stairs, storage shed and landscaping near the lake were totally destroyed. The Harts' pontoon, kayak stand, and a significant value in ornamental landscaping stones and boulders were also lost as a result of the flooding.

631. In addition to the damaged property, the Harts have lost the use and enjoyment of the lake and have lost value in their waterfront property.

Henderson, Briana

632. Plaintiff Briana Henderson is a resident of Midland, Michigan who owns a parcel of real property located at 960 East Noyes Drive. This property is her primary residence.

633. Henderson's property has Carroll Creek in the backyard, which drains into the Tittabawassee River between Midland and Sanford. Typically, the water level of the creek is 20 feet below the foundation level. The Henderson home is a 1,425 square foot single-level wood frame ranch home with a finished walk-out basement that adds approximately 1,000 additional square feet.

634. The flooding on May 19, 2020 caused the finished basement of the home to flood with six feet of water, destroying all contents and utilities in the basement. The resulting damage forced Henderson to live at a campground for 42 days while the home basement was gutted and repaired.

635. In addition to the damaged property, Ms. Henderson has lost value in her property.

Henry, Burton and Cheryl

636. Plaintiffs Burton Henry and Cheryl Henry are residents of Elwell, Michigan who jointly own a parcel of real property in Hope, Michigan located at 929 Kaypat Drive. This property is their secondary residence.

637. The Henrys' property sits on a canal off of Wixom Lake with 100 feet of canal frontage. Their house is a 900 square foot, two-bedroom cottage with a wood frame. The property also has a garage, a bunkhouse, a dock, and a seawall.

638. The flooding on May 19, 2020 caused the Henrys' crawlspace to fill with water and their cottage to fill with roughly three inches of water. As a result, the floor of the cottage was completely destroyed along with many of the contents inside the cottage. The Henrys have had to replace the floor throughout the entire structure.

639. The flood water on the exterior of the Henrys' home damaged the bunkhouse and washed away their dock. Additionally, the structure of their seawall is now compromised and needs to be repaired.

640. In addition to the damaged property, the Henrys have lost the use and enjoyment of the lake and have lost value in their waterfront home.

Hentschel, Doug and Diane

641. Plaintiffs Doug Hentschel and Diane Hentschel are residents of Midland, Michigan who jointly own a parcel of real property at 399 Twin Lake Road in Beaverton, Michigan. This property is their secondary residence.

642. The Hentschels' property sits along the Wixom Lake with 60 feet of canal frontage. Their home is a 1,116 square foot ranch style house with a wood frame and aluminum siding.

643. The flooding on May 19, 2020 caused the crawlspace of the Hentschels' home to flood with water, requiring remediation of the crawlspace.

644. In addition to the damaged property, the Hentschels have lost the use and enjoyment of the lake and have lost value in their waterfront property.

Hernandez, Jose

645. Plaintiff Jose Hernandez is a resident of Saginaw, Michigan who owns a parcel of real property located at 3959 East Street in Saginaw Michigan. He currently rents this property as a source of income.

646. Hernandez has owned this property for 40 years and has improved it by building a garage and continually updating and repairing the interior of the home. The house was his primary residence for many years, but he has been renting it for the last several years.

647. The house is a 1,200 square foot, two-bedroom home with a wood frame, vinyl siding, and an unfinished basement.

648. The flooding on May 19, 2020 caused the basement to fill with eight feet of water destroying all of the contents including all utilities, appliances, and the basement stairs. The garage also flooded, and the drywall needed to be gutted and replaced as a result.

649. Hernandez has incurred considerable costs repairing and replacing all of the destroyed property, as well as cleaning and remediating the water damage. He has also lost the income that he would typically receive by renting out the property while it sat uninhabitable.

Herold, Gail

650. Plaintiff Gail Herold is a resident of Beaverton, Michigan who owns a parcel of real property located at 4245 Weiman Road. This property is her primary residence.

651. Herold has owned this property since 2013, when she inherited it from her family. Since then, she has invested roughly \$180,000 to \$200,000 to improve the property. This includes new flooring, fixtures, steel roofs on structures, a bedroom addition, and updated bathrooms among other improvements. She also upgraded the seawall which had previously been pulled in and misshapen.

652. Gail Herold's property sits along the Tittabawassee River, with 250 feet of water frontage. Her home is 1,800 square feet with cinderblock construction, brick siding and a walkout lower level.

653. The flooding on May 19, 2020 caused water to rise onto the property and flooded the lower walkout level with one foot of water. The contents of the lower level were completely destroyed, and it requires gutting, remediation, and rebuilding.

654. The flooding also caused damage to Herold's boat house, boat, motor, and the seawall on the property. The boathouse filled up halfway with water, knocking the boat onto its side and totaling it. After Herold already

invested in repairing the seawall, it is now completely bowed out and severely damaged.

655. The lower level of her home is entirely unusable, and she is now experiencing problems with mold and mildew. This space used to serve as a place to entertain friends and family from out-of-town, but now she is unable to use half of her home for any purpose.

656. In addition to the damaged property, Herold has lost the use and enjoyment of her boat and her access to the lake. She has also lost value in her waterfront property.

Hildebrandt, Marc

657. Plaintiff Marc Hildebrandt and his wife Lori Hildebrandt are residents of Midland, Michigan who jointly own a parcel of real property located at 1187 East Phillips Court. This property is their primary residence.

658. The Hildebrands' property sits on the Carrol Creek just off of the Tittabawassee River with 150 feet of water frontage on the creek. Their house is a 3,000 square foot tri-level home with a wood frame and brick on the lower level. There is also a garage and a large shed on the property.

659. The flooding on May 19, 2020 caused the water to rise onto the Hildebrands' property, completely filling the lower level of their home and flooding the main floor and garage with one foot of water. As a result, the lower

level had to be completely gutted and rebuilt and the main floor had to be gutted up to sixteen inches and rebuilt. The water also damaged or destroyed much of the contents inside the structure and garage.

660. In addition to the damaged property, the Hildebrandts have lost value in their property as a whole.

Hock, Dawn & Neil

661. Plaintiffs Dawn Hock and Neil Hock are residents of Midland, Michigan who jointly own a parcel of real property located at 110 East Railroad Street in Sanford, Michigan. This property is their primary residence.

662. The Hocks have owned this property for over 20 years. They raised their children there and planned on retiring in the home. When they purchased the property, it was used as a rental and was worth very little. Since owning the property, they have invested heavily into improvements including a new roof, renovation of the entire home, a new garage and workshop, extensive landscaping, bedroom additions, and custom kitchen and bathrooms among other improvements.

663. The Hocks' property sits near the Tittabawassee River and the Sanford Lake, about six blocks away from the Sanford Dam. Their home was a ranch style with a wood frame and vinyl siding with an attached two-and-a-half car garage.

664. The flooding on May 19, 2020 caused the Hocks' entire property and home to be submerged in water, completely destroying the home, decks, and shed that were on the property.

665. The Hocks felt compelled to take a buyout from FEMA for a fraction of what their home was worth and they have been living in a trailer that they purchased with the proceeds of the buyout. They have had to replace everything that they need to live because they experienced a total loss.

666. In addition to losing their home and everything on the property, the Hocks have lost the use and enjoyment of the lake and lost value in their property due to the decreased water level caused by the dam collapse.

Holcomb, Randy and Sandra

667. Plaintiffs Randy Holcomb and Sandra Holcomb are residents of Beaverton, Michigan who jointly own a parcel of real property located at 5483 Oakridge Drive. This property is their primary residence.

668. The Holcombs have owned and maintained the property since 2014. They purchased an adjacent lot and added a pole barn, a shed, and rebuilt the boat launch on the property. They also run a property management business out of the home. The Holcombs planned to use this property as their retirement home.

669. The Holcombs' property sits on a peninsula between the Wixom Lake and the Tobacco River with 130 feet of water frontage on the Tobacco River. Their home is 1,450 square feet with a wood frame, sided, and two eight-foot sliding glass doors on the lake side.

670. The flooding on May 19, 2020 caused the crawlspace of the home to completely flood with water as well as four feet of water throughout the home, destroying all contents and requiring a complete interior rebuild.

671. The Holcombs are experiencing ongoing issues with their exterior property. They have had to replace their entire septic system and tank after it caved in due to the flood. Their lawn was destroyed, and they are also experiencing severe erosion due to the drop in water level. They are worried about future damage to their shoreline and seawall, but they are unable to mitigate the erosion currently because of the extensive repairs they have had to do to their home.

672. The aftermath of the flooding has been extremely stressful to the Holcombs who had to live in a trailer on their property while their home was repaired. In addition to the financial cost and trauma of losing their home, they have both been dealing with severe health issues. Randy Holcomb was recently diagnosed with cancer and Sandra Holcomb suffered a heart attack after the

flood and has been in-and-out of the hospital due to complications with her blood circulation.

673. In addition to the damaged property, the Holcombs have lost the use and enjoyment of the lake and lost value in their waterfront property.

Holman, Brenda and Donald

674. Plaintiffs Brenda Holman and Donald Holman are residents of Midland, Michigan who jointly own a parcel of real property located at 6006 Sturgeon Avenue. This property is their primary residence.

675. The Holmans have owned and maintained this property since 2004. Since then they have increased the value of the home by investing in improvements. They have completely remodeled the kitchen, painted the house, and converted from well to city water.

676. Their home is a 1,925 square foot, two-story home with a wood frame, vinyl siding and an unfinished basement.

677. The flooding on May 19, 2020 caused the sewer to backup, resulting in five to six feet of water in the Holmans' basement. As a result, almost all personal contents stored in the basement were destroyed along with the furnace, hot water heater, electrical panel, basement stairs, and drywall.

678. The Holmans planned on living at this property forever as their retirement home. It was a place to spend time with their family and

grandchildren. As a result of the flood, they are heartbroken and have had to sell their home at a loss. They are now living with their granddaughter while looking for a new property and they will have to dip into their retirement savings in order to move.

Houghtaling, Judi and Tom

679. Plaintiffs Judi Houghtaling and Tom Houghtaling are residents of Beaverton, Michigan who jointly own a parcel of real property located at 544 Manzer Road. This property is their primary residence.

680. The Houghtalings' property sits on the Wixom Lake with 147 feet of lake frontage. Their home is a 2,000 square foot, ranch style house with vinyl siding.

681. The Houghtalings have resided on the property for over thirty years and planned to retire there. They recently restored the home installing new flooring, remodeling the kitchen, and converting the home from a two-bedroom to a three-bedroom. They also recently spent a significant amount to repair the home from a septic backup that partially flooded the home.

682. The flooding on May 19, 2020 caused the first floor to flood with over three feet of water, destroying all contents and requiring a complete gutting and rebuild. The flood also dislodged their dock and flooded their shed causing water damage.

683. The Houghtalings have been unable to occupy the property since the flood. Their home has been inspected and declared uninhabitable due to significant water and mold damage. They paid to stay in a hotel until July 15th and have since been living in a small apartment that costs more than their mortgage.

684. In addition to the damaged property, the Houghtalings have lost the use and enjoyment of the lake and their property. They have received estimates to repair the home at upwards of \$200,000 which they are unable to afford. They are now looking to sell the home at a significant loss.

Houk, Eric

685. Plaintiffs Eric Houk and his wife Lynette Houk are residents of Sanford, Michigan who own a parcel of real property located at 3626 North Sadler Drive. This property is their primary residence and is held in the Eric Houk and Lynette Houk Trust.

686. The Houks' property sits on the west side of Sanford Lake with 76 feet of lake frontage. Their house is a 3,720 square foot, split-level ranch with a wood frame. The house sits on a crawlspace with a wood and concrete foundation. There is also a concrete patio outside the lowest level of the home and a storage shed on the property that sits on the edge of the water.

687. The flooding on May 19, 2020 caused the water to come onto the Houks' property, knocking the storage shed off of its foundation and moving it to the edge of the seawall. The doors of the shed were destroyed, and the interior was filled with muck. The electrical boxes for exterior power had to be replaced and the stone patio was cracked and is now sinking. Their fieldstone landscaping eroded, causing the large rocks to collapse. Erosion is now starting to take place in front of their steel seawall, which may cause further damage in the future.

688. In addition to the damaged property, the Houks have lost the use and enjoyment of the lake and have lost value in their waterfront property.

Howard, Judy

689. Plaintiff Judy Howard is a resident of Sanford, Michigan who own a parcel of real property located at 3298 North Lakeside Drive. This property is their primary residence.

690. The Howards' property sits along the Sanford Lake with 75 feet of lake frontage. The house is a 1,953 square foot ranch style home with brick construction and two additions with vinyl siding.

691. The Howards owned and maintained the property for over 40 years. The loss of the lake was devastating to Barnard Howard, who was on hospice care at the time of the flood. He died only weeks after the flood and

spent his last days unable to look at the empty lake out of grief for what his family and neighbors had lost.

692. The flooding on May 19, 2020 destroyed the underground sprinkler system on the property. In addition to the damaged property, the Howards lost the use and enjoyment of the lake and lost value in their waterfront property.

Howe, Lyle and Mary Jane

693. Plaintiffs Lyle Howe and Mary Jane Howe are residents of Midland, Michigan who own a parcel of real property located at 3408 Pine Grove Drive. This property is their primary residence.

694. The Howes purchased the condominium in 2008 for \$165,000. The Howes' property sits approximately a quarter of a mile away from the Tittabawassee River. The condominium is located in the Village West subdivision.

695. The flooding on May 19, 2020 caused the basement of the Howes' home to completely fill with water, with an additional three feet of water on the main floor of the house. Floodwaters and mud damaged the structure and destroyed many of the contents inside, including the newly installed kitchen and fireplace, along with other fixtures. The house is uninhabitable in its current state.

696. The Howes have lost the use of their home along with the majority of the value of the property.

Hudler, Charles and Antoinette

697. Plaintiffs Charles Hudler and Antionette Hudler are residents of Hope, Michigan who own a parcel of real property located at 477 Richmond Drive. This property is their primary residence.

698. The Hudlers have owned and maintained this property since 2003, investing heavily in improvements. These include a seawall and retaining wall, a deck, a remodel of the master bathroom, a new porch and sidewalks, a new roof, connection to city water, new windows and doors, and new siding on the house and garage.

699. Over the years, this property has been a place for the Hudlers to spend time with their friends and family. Their grandchildren now live in California and would come to visit them and enjoy the water for swimming, boating, and recreation. This past summer of 2020, their grandchildren were unable to visit due to that lack of lake water and the repairs that needed to be done on the home. The flood has also caused many of their friends and neighbors to decide to sell their properties, changing the neighborhood and creating more uncertainty for the Hudlers going forward.

700. The Hudlers' property sits along Wixom Lake with 88 feet of lake frontage. Their home is 2,525 square feet built with cinderblock and wood frame construction, vinyl siding and a walkout basement that adds an additional 1,112 square feet.

701. The flooding on May 19, 2020 caused water to rise above the seawall on the Hudlers' property and flood their walkout basement with over two feet of water. As a result, the basement had to be completely gutted and half of the contents were destroyed.

702. The flooding also caused damage to the Hudlers' boat, which they subsequently sold. After the lake receded, the Hudlers cannot use their lawn irrigation system, causing them to have to pay to connect to the city water supply.

703. The Hudlers also lost the use and enjoyment of the lake. They have sold all of their watercraft, boat lifts, and recreational vehicles because they are unable to use them. They no longer have a lakefront home to entertain their family or friends. Additionally, the Hudlers are concerned about erosion caused by the receded lake and have had to take extensive measures to preserve the swimming area near their shoreline.

704. In addition to the damaged property, the Hudlers have lost value in their waterfront property.

Hulse, Jenna

705. Plaintiff Jenna Hulse is a resident of Sanford, Michigan who owns a parcel of real property located at 201 Pine Street.

706. Hulse's property sits in downtown Sanford on flat, usable land with no water access. Her house is an approximately 2,000 square foot, two-story home with a wood frame, an attached garage, and a blacktop driveway. The home has a cinderblock foundation with a crawlspace.

707. The flooding on May 19, 2020 caused Hulse's home to fill with four feet of water and her garage to fill with six feet of water. As a result, there is extensive damage to the foundation of the home and the first floor needs to be entirely gutted and rebuilt. The garage and its contents were also damaged, including Hulse's van.

Hunsanger, Charles and Susan

708. Plaintiffs Charles Hunsanger and Susan Hunsanger are residents of St. Clair Shores, Michigan who jointly own a parcel of real property located at 853 West Campbell Court in Sanford, Michigan. This property is their secondary residence.

709. The Hunsangers have owned this property for 18 years and have done extensive interior remodeling and landscaping improvements. They

relocated an exterior shed from the water up to the house and have built a large dock on the water and two decks attached to the house.

710. This home was the Hunsangers' place to escape and spend time with their children and grandchildren. Their daughter was married on the property and bought a house close by because of their attachment to the area.

711. The Hunsangers' property sits along a canal off Sanford Lake, with 127 feet of canal frontage. Their house is a 1,550 square foot ranch style with a wood frame and vinyl siding.

712. The flooding on May 19, 2020 caused the Hunsangers' home to flood with between one to five feet of water throughout. As a result, nearly all contents were destroyed and the interior needs to be completely gutted and rebuilt. It is currently uninhabitable.

713. The Hunsangers and their family have been working at the property every weekend since the flood to reduce repair costs. Sue Hunsanger planned on retiring this year and she has now had to pull funds from her 401k in order to pay for repairs.

714. Their garage and shed were also damaged by the water and require extensive repairs. The seawall on the shoreline is now shifting and the Hunsangers are concerned about future damage to the shore and seawall.

715. In addition to the damaged property, the Hunsangers lost the use and enjoyment of the lake and have had to sell their boats because they can no longer use them. Finally, they lost the use of their family vacation home and have lost value in their waterfront property.

Hunt, Beatrice

716. Plaintiff Beatrice Hunt is a resident of Beaverton, Michigan who owns a parcel of real property located at 5394 Mallard Court. This property is her primary residence.

717. Hunt's property sits on a canal off Wixom Lake with 150 feet of canal frontage. Her house is a 1,500 square foot manufactured home with a crawlspace and garage. She also has a dock with a pontoon and power hoist on the canal.

718. The flooding on May 19, 2020 caused the water to rise to three feet on the property, completely flooding Hunt's crawlspace. As a result, the crawlspace has had to be pumped out, gutted, and repaired.

719. In addition to the damaged property, Hunt has lost the use and enjoyment of the lake and lost value in her waterfront property.

Hurley, Bill and Jill

720. Plaintiffs Bill Hurley and Jill Hurley are residents of Waterford, Michigan who own a parcel of real property located at 5580 North Easy Street in Edenville, Michigan. This property is their secondary residence.

721. The Hurleys' property sits along the Sanford Lake with 65 feet of lake frontage. Their house is a 1,478 square foot single-family ranch with a wood frame and vinyl siding and a cinderblock crawlspace.

722. The flooding on May 19, 2020 caused the Hurleys' ranch home and garage to fill with four feet of water. As a result, the entire interior structure below four feet had to be completely gutted and all contents were destroyed. The flooding also damaged the corner wall of the structure and two of the foundation blocks. The sub floors and beams also had to be replaced. Finally, the flood damaged the Hurleys' three boats.

723. The Hurleys had to stay in a hotel and then rent a camper for ten weeks following the flood while their home was uninhabitable.

724. In addition to the damaged property, the Hurleys lost the use and enjoyment of the lake and lost value in their waterfront property.

Husser, Anne

725. Plaintiff Anne Husser is a resident of Midland, Michigan who owns a parcel of real property located at 3717 Wrenwood Court. This property was her primary residence.

726. Husser's property is a condominium in a community that sits near the Tittabawassee River. Her home was a 1,860 square foot condo with a poured concrete basement, a wood frame, and brick and vinyl siding. The condo had a loft, a screened in porch, decks in the front and back, and a partially finished basement.

727. The flooding on May 19, 2020 caused the river to rise, completely filling Husser's basement with water and filling her first floor with three feet of water. The water completely destroyed the interior of the structure and nearly all of its contents. The flood also damaged two of Husser's vehicles.

728. Due to the condo's position in the floodplain and the FEMA restrictions, repairing the structure was not feasible and the condo community had to sell their properties as-is at a significant loss in value to Husser.

Ingham, Daniel and Denise

729. The Plaintiffs Daniel and Denise Ingham are residents of Gladwin Michigan where they own a parcel of real property at 1517 Loebrich Drive.

730. The flooding on May 19, 2020 caused Plaintiffs to suffer property damage and reduced the value of their property.

Janowiak, Annette and Tony

731. Plaintiffs Annette Janowiak and Tony Janowiak are residents of Sanford, Michigan who jointly own a parcel of real property located at 2418 North Peterson Drive. This property is their primary residence.

732. The Janowiaks have owned and maintained the property for over 13 years and have spent over \$100,000 on upgrades and modifications. In addition to extensive renovations to the home, they invested in building a sea wall, a retaining wall, and a dock on the water.

733. The Janowiaks planned to use the property as a vacation home up until three years ago when they moved there permanently. They intended to retire on the lake, and they often used it as a place to spend time with and entertain friends and family. Their quality of life on the property is now severely diminished due to the lake being gone.

734. The Janowiaks' property sits along the west side of the main body of Sanford Lake with 75 feet of lake frontage. Their house is a 1,512 square foot raised ranch style with a cinderblock foundation, wood frame, and aluminum siding.

735. The flooding on May 19, 2020 caused the lake water to rise several feet over the sea wall and wash debris onto the Janowiaks' property. Although the water did not reach the house, the Janowiaks have lost the use and enjoyment of the lake and lost value in their waterfront property. They also have ongoing erosion on one side of their property that does not have a seawall due to the reduced water level in the lake.

Johnson, Eric

736. Plaintiff Eric Johnson is a resident of Saginaw, Michigan who jointly owns a parcel of real property located at 430 Adams Road. This property is his primary residence.

737. Johnson's property sits near the Tittabawassee River, downriver from Sanford Lake with no water frontage. His home is 1,500 square feet and sits on a cement slab with an attached garage. There are also two storage sheds on the property.

738. The flooding on May 19, 2020 caused Johnson's home to fill with four inches of water, destroying his floors throughout the structure and damaging various contents of the home. The flood water also damaged both sheds and the drywall in his garage.

Jones, Jodie

739. Plaintiff Jodie Jones is a resident of Saginaw, Michigan who occupies a property located at 5165 Pheasant Run Drive, Apartment 4.

740. Plaintiff's property is a townhome that sits near the Tittabawassee River with no direct water access. The townhome is 1,000 square feet with a basement.

741. The flooding on May 19, 2020 caused Plaintiff's basement to fill with water, damaging the structure and destroying the contents inside.

Jones, Richard and Donna

742. Plaintiffs Richard Jones and Donna Jones are residents of Midland, Michigan who own a parcel of real property located at 3409 Pine Grove Drive. This property was their primary residence and was held in the Richard and Donna Jones Trust.

743. The Jones' property is an 1,863 square foot end unit condominium with a fully finished basement. It has a block basement, brick and cedar siding, and a screened porch with a large deck.

744. The flooding on May 19, 2020 caused the basement of the Jones' home to fill with six to eight feet of water and the main floor to fill with two feet of water. As a result, the south basement wall caved in. The mud and sewage

that filled the main floor and basement destroyed much of the contents of the home and the building was condemned by the city of Midland.

745. The Jones are no longer able to occupy their home and they have lost a significant amount of value in their property.

Kalich Jr., James and Pamela

746. Plaintiffs James Kalich and Pamela Kalich are residents of Beaverton, MI who jointly own a parcel of real property located at 5427 Oakridge Drive. This property is their primary residence.

747. Their property sits on the west side of the Tobacco River with 64 feet of river frontage. Their home is a 1,100 square foot house with a wood frame and vinyl siding. There is also a garage, loft, dock, and boat hoists on the property.

748. The flooding on May 19, 2020 caused the Kalichs' first floor to fill with two-to-three feet of water. As a result, the structure needs to be gutted and repaired and many of the contents were destroyed. The exterior of the home and the seawall were also damaged and need to be repaired.

749. In addition to the damaged property, the Kalichs have lost the use and enjoyment of the lake and lost value in their waterfront property.

Kalinowski, Kenneth

750. Plaintiff Kenneth Kalinowski and his wife Diane Kalinowski are residents of Sanford, Michigan who own a parcel of real property located at 5016 North Lake Sanford Road. This property is their primary residence.

751. The Kalinowskis' property sits along the west side of Sanford Lake with 150 feet of lake frontage. The house is 1,427 square feet, constructed of cedar slats and has a half walkout basement and extensive decking.

752. The flooding on May 19, 2020 caused significant damage to the seawall, upper breakwall, and the extensive decking on the property. The Kalinowskis also had to correct substantial erosion that resulted from the flood.

753. In addition to the damaged property, the Kalinowskis have lost the use and enjoyment of the lake as well as a significant amount of value in their waterfront property.

Kareus, Scott and Patrice

754. Plaintiffs Scott and Patrice Kareus is a resident of Sanford, Michigan who owns a piece of real property located at 4717 North Anna Lane. This property is his primary residence and it is held in the Scott R. and Patrice F. Kareus Trust.

755. The Kareus' property sits on the east side of Sanford lake with 120 feet of lakefront. They have owned the property since 2015 and have spent roughly \$200,000 to remodel the home and add landscaping.

756. The flooding on May 19, 2020 caused the water to rise twelve feet above the normal level and onto the property, damaging landscaping, a dock, two hoists, a shed, an outboard motor, a misting fan, and the contents of a shed near the water.

757. In addition to the damaged property, Scott and Patrice Kareus have lost the use and enjoyment of the lake and lost value in his waterfront property.

Kaylor, Amy and Jeffrey

758. Plaintiffs Amy Kaylor and Jeffrey Kaylor are residents of Beaverton, Michigan who jointly own a parcel of real property located at 5694 Island Drive. This property is their primary residence.

759. The Kaylor's purchased the property in 2014 as a vacation home but sold their Saginaw home and moved there permanently in 2019. They gutted the house after purchasing it and spent roughly \$20,000 on renovations. They also added decks on the front and back of the house.

760. Since they purchased the property, it has become a gathering place for the Kaylor's family and friends. They enjoyed the area so much that Amy Kaylor's brother also purchased a home in the neighborhood and the Kaylor's

bought another nearby property to fix up so that their children and grandchildren would have more space in the future.

761. The Kaylors' property sits on the west side of Wixom Lake on a small island with 50 feet of canal frontage. The house has a wood frame with vinyl siding and a deck with a gazebo and bar area.

762. The flooding on May 19, 2020 caused the crawl space to completely fill with water and flooded the main living area with two feet of water.

763. As a result of the flooding, the structure had to be completely gutted down to the joists and most contents were destroyed. The flooding also caused damage to the Kaylors' electric golf cart and washed away the front and back decks which had to be retrieved and are now damaged.

764. The experience of having to evacuate their home in the middle of the night was extremely traumatic for the Kaylors, and their stress has only continued after the flood. Most of their neighbors have chosen to relocate, changing the nature of the neighborhood and creating more uncertainty about their plans for the future. Jeffrey Kaylor has had to retire early in order to complete renovations to the home to make it livable before winter, reducing their income. Amy Kaylor has had to draw from her retirement savings to pay for renovations and they are considering going back to work in order to recoup some of their costs.

765. The Kaylors were unable to occupy their home after the flood damage and had to move in with their daughter for two months before purchasing a travel trailer to stay in while home repairs are completed.

766. In addition to the damaged property, the Kaylors have lost the use and enjoyment of the lake and lost value in their waterfront property. They are emotionally devastated at the loss of the lake, which is now filled with weeds and algae that aggravate the Kaylors' allergies. Finally, they are concerned that they may lose their access to their well water and their seawall shows signs that it may be shifting due to the loss of water, creating potential future damages.

Kelley, Elizabeth and Robert

767. Plaintiffs Elizabeth Kelley and Robert Kelley are residents of Hope, Michigan who own a parcel of real property in Edenville, Michigan located at 481 Cedar Street in a joint trust.

768. The Kelleys have owned and maintained the property for thirteen years, continually investing to improve the property. They filled in a ditch and expanded the driveway, added air conditioning, finished the basement, installed new windows and carpets, added an attached garage and mudroom, added a deck and paver patio, and added backyard fencing and a sprinkler system, among other improvements.

769. Robert Kelley has deep connections to the Wixom Lake area and has lived there since 1986. His father still lives in the area and Elizabeth's parents retired to Wixom Lake in 2014.

770. The Kelleys' property is a ranch home with a partially-finished basement that sits across the street from the Tittabawassee River. The house is a ranch style with a wood frame and vinyl siding and a finished cinder block basement.

771. The flooding on May 19, 2020 caused the basement of the Kelleys' home to flood with water up to approximately twenty inches, destroying the contents of the finished portion of the basement and several of the appliances. The Kelleys did much of the remediation themselves and still need to rebuild the finished portion of the basement.

772. In addition to the damaged property, the Kelleys have lost value in their property as the result of the flood.

Kelley, Katherine and Creig

773. Plaintiffs Katherine Kelley and Creig Kelley are residents of Midland, Michigan who jointly own a parcel of property located at 5801 Perrine Road. This property is their primary residence.

774. Their house is a 2,800 square foot tri-level home with brick and cedar shingles and an attached two-car garage and wood shop. There is no water access on their property.

775. The flooding on May 10, 2020 caused the lower level of the Kelleys' home to fill with two inches of water. As a result, all of the flooring on the lower level was destroyed and needs to be replaced. The flooding also destroyed the egress door and many of the contents on the lower level.

Kemerer, Michael

776. Plaintiff Michael Kemerer is a resident of Saginaw, Michigan who owns a parcel of real property located at 6896 Shields Court. This property is his primary residence.

777. Kemerer's property sits near the Tittabawassee River and a tributary of the Tittabawassee River that runs roughly 100 feet from the back yard of the property. The house is a ranch style with a wood frame and vinyl siding.

778. The flooding on May 19, 2020 caused the crawlspace of Kemerer's home to fill with water and flooded the inside of the house with roughly two feet of water.

779. As a result of the flooding, the pipes in the crawlspace had to be replaced and the house had to be completely gutted and repaired below 42 inches. All of the contents on the interior of the home were destroyed.

780. In addition to the damage to the property, Kemerer also lost value in his property as a result of the flood.

Kennedy, Kenneth

781. Plaintiff Kenneth Kennedy and his wife Annette Kennedy are residents of Attica, Michigan who jointly own a parcel of real property located at 5515 Oakridge Drive in Beaverton, Michigan. This property is their secondary residence.

782. The Plaintiffs' property sits on a peninsula between the Tobacco River and Wixom Lake, with 65 feet of frontage on the Tobacco River. The house is a cottage with a wood frame and vinyl siding with an attached sunroom and decks. There is also a single-car garage, a dock, and a boat hoist on the property.

783. The flooding on May 19, 2020 caused the water to rise up to five feet in Plaintiffs' sunroom and between two and three feet in the rest of the home. As a result of the flooding, all contents inside the home were destroyed and the interior needs to be completely gutted and rebuilt. The flood also damaged the Plaintiffs' fishing boat.

784. In addition to the damaged property, the Plaintiffs have lost the use and enjoyment of the lake and lost value in their waterfront property.

King, Sandra

785. Plaintiff Sandra King is a resident of Beaverton, Michigan who owns a parcel of real property located at 348 Island Drive. This property is her primary residence.

786. King's property sits on an island on Wixom Lake with roughly 75 feet of canal frontage. Her house is a single-story home with a wood frame and vinyl siding. There is also a detached two-car garage, a small storage shed, and a dock on the property.

787. The flooding on May 19, 2020 caused King's home and garage to fill with roughly two feet of water. As a result, many of the contents of the home were destroyed and the interior of the structure had to be completely gutted and rebuilt.

788. The flooding also damaged King's garage doors and interior, her shed, her well pump, and her seawall.

789. In addition to the damaged property, King has lost the use and enjoyment of the lake and lost value in her waterfront property.

Kipfer, Cathleen

790. Plaintiff Cathleen Kipfer is a resident of Saginaw, Michigan who owns a parcel of real property located at 7040 McCliggott Road. This property is her primary residence.

791. Kipfer's property sits roughly a half of a mile away from the Tittabawassee River. Her house is a 921 square foot, single level home with a wood frame, aluminum siding, and a full unfinished basement.

792. The flooding on May 19, 2020 caused Kipfer's basement to fill with five feet of water and flooded the garage.

793. The water destroyed Kipfer's furnace, hot water heater, dehumidifier, air conditioner, and personal items in the basement and garage. The basement had to be cleaned of mud and remediated.

Kisser, Marilyn

794. Plaintiff Marilyn Kisser is a resident of Sanford, Michigan who owns a parcel of real property located at 355 West Center Street. This property is her primary residence.

795. Kisser's property is located near the Sanford Lake and Tittabawassee River, just across the street from the Sanford Dam Park. Their house is a stick-built ranch style home on a block foundation with a detached garage and attached decks in the front and back.

796. The flooding on May 19, 2020 caused the home to flood with water up to eight inches below the ceiling, destroying all contents and requiring the house to be completely gutted and rebuilt.

797. Kisser has lost the use of the home and had to rent an apartment. She has also lost value in her home due to its proximity to the dam.

Kline, Walter and Rebecca

798. Plaintiffs Walter Kline and Rebecca Kline are residents of Midland, Michigan who own a parcel of real property located at 6015 Sturgeon Avenue. This property is their primary residence.

799. The Klines' property is located within the Midland city limits and sits on the Sturgeon Creek with 90 feet of creek frontage. Their house is a two-story home with a wood frame and vinyl siding, and a full finished basement.

800. The flooding on May 19, 2020 caused water to enter the finished basement through the sewer drains and flooded it up to five feet.

801. As a result of the flooding, all of the contents of the Klines' basement were destroyed, and it needs to be completely gutted and rebuilt.

802. The Klines have lived in this home for over 35 years, and the loss of the living area as well as all belongings, including family photos, has been devastating.

Kobler, Allan

803. Plaintiff Allan Kobler is a resident of Manchester, Michigan who owns a parcel of real property located at 3528 Arapahoe Trail. This property is his secondary residence and is titled under the Wiltrud E. Kobler Living Trust.

804. Kobler's property sits on the high banks of the north tip of Wixom Lake and Tittabawassee River proper, 1.5 miles north of the Estey Road bridge on the east shore. The property has 120 feet of waterfront on the northern aspect of Wixom Lake and Tittabawassee River.

805. Kobler's house is a 1,238 square foot, chalet style cottage with a wood frame and wood siding. The cottage sits on a cinderblock crawlspace foundation and the attached garage sits on a poured concrete foundation.

806. The flooding on May 19, 2020 caused the lake to rise ten feet over Kobler's seawall and onto his property. As a result, the seawall on the entire waterfront is damaged and experiencing continued and progressive failure. In order to mitigate this damage, Kobler will have to rebuild, restructure, and repair the entire seawall. Additionally, he will have to install a new backfill and drain system.

807. The ongoing damage to Kobler's shoreline will cost a significant amount of money and time. Additionally, he now has to pay for year-round boat storage and will potentially be assessed thousands per year to pay for dam

repair and maintenance. He is also concerned about costs of removing lake bed debris that has accumulated near his shoreline, which he had no part in creating.

808. In addition to the current and ongoing property damage, Kobler has lost the use and enjoyment of the lake and lost value in his waterfront property.

Koch, Jeanette and Christopher

809. Plaintiffs Jeanette Koch and Christopher Koch are residents of New Boston, Michigan who have a land contract for a property in Beaverton, Michigan located at 3437 Lakeview Drive. This property is their secondary residence.

810. The Kochs' property sits on a canal off Wixom Lake with 60 feet of canal frontage. Their house is an 850 square foot modular home with vinyl siding.

811. The flooding on May 19, 2020 caused the water to rise fourteen feet and onto the Kochs' property. As a result, the roof of their house was damaged and they lost the use of their well for water.

812. In addition to the damaged property, the Kochs have lost the use and enjoyment of the lake and lost value in their waterfront property.

Korkoske, Amy and Gregory

813. Plaintiffs Amy Korkoske and Gregory Korkoske are residents of Beaverton, Michigan who jointly own a piece of real property located at 5455 Oak Ridge Road. This property is their primary residence.

814. The Korkoskes' property sits along the Wixom Lake, with roughly 75 feet of lake frontage. Their house is a single-family home with cinderblock construction, two wood frame additions, and an attached shed.

815. The flooding on May 19, 2020 caused the rise approximately four to five feet above the seawall, flooding the home and attached shed with over two feet of water.

816. As a result of the flooding, the contents of the home were destroyed, and everything inside needs to be gutted and replaced below 48 inches.

817. In addition to the damaged property, the Korkoskes' have lost the use and enjoyment of the lake and have lost value to their waterfront property.

Kovach, Wade

818. Plaintiff Wade Kovach is a resident of Hope, Michigan who owns a parcel of real property located at 231 East Lakeshore Drive. This property is his primary residence.

819. Kovach's property sits on the east side of Wixom Lake with 113 feet of lake frontage. His home is a ranch style with a wood frame cedar siding. The home has a crawlspace and sits on a cement slab. There is also a pole barn with wood construction and metal siding, and two garages with aluminum siding on the property.

820. Kovach has lost the use and enjoyment of the lake and has lost value in his waterfront property.

Kozubal, James and Barbara

821. Plaintiffs James Kozubal and Barbara Kozubal are residents of Bay City, Michigan who jointly own two parcels of connected real property located at 1031 and 1025 Shady Shore Drive. The property at 1031 is their primary residence and they use the property at 1025 as rental property.

822. The Kozubals' property consists of five wooded acres that sits on the Saginaw Bay with 200 feet of bay frontage. The homes are both 1,500 square feet and they sit adjacent to one another, roughly 200 steps from the water. Both houses have a wood frame and vinyl siding, and there is a shed on each property.

823. The flooding on May 19, 2020 caused the Kozubals' property to flood with one foot of water on the bay side and one foot of water on the road side. The flooding damaged the Kozubals' driveway and flooded their footpath

that led to the beach. They have had to build a bridge that goes over the flooded path to make it usable again. The flood water also saturated the ground in the wooded areas of the property, causing several trees to fall.

824. The Kozubals' tenants moved out after the flood, depriving them of income from the rental property.

Kranz, Roy and Denette

825. Plaintiffs Roy Kranz and Denette Kranz are residents of Midland, Michigan who jointly own a piece of real property located at 4205 Moorland Drive. This property is their primary residence.

826. The Kranz's home is approximately 3,573 square feet and sits on a small lot in Midland with no water access. The house is one story with a finished basement and is constructed with a wood frame with both wood and brick siding.

827. Due to the flooding on May 19, 2020, water covered the entire property and flooded the basement with eight feet of water. All of the contents of the finished basement were destroyed including personal possessions, furniture, and all appliances and utilities. The entire finished basement needs to be gutted and rebuilt.

Kreager, Harold and Mary Jo

828. Plaintiffs Harold Kreager and Mary Jo Kreager are residents of Bay City, Michigan who own a parcel of real property in Beaverton, Michigan located at 319 Island Drive. This property is their secondary residence and is held in the Harold J. Kreager and Mary Jo Kreager Living Trust.

829. The Kreagers have owned and maintained this property since 2006. In 2016, they spent roughly \$143,000 to completely remodel the house and add an addition.

830. The Kreagers' property sits on an island on Wixom Lake, with 90 feet of lake frontage. Their house is a 2,000 square foot, two-level home with a wood frame and vinyl siding. The property also has a garage, a storage shed, a deck, a dock, and a patio area with a hot tub.

831. The flooding on May 19, 2020 caused the Kreagers' home to flood with two-and-a-half feet of water on the lower level and fourteen inches on the main level. As a result, many of the contents of the home were destroyed and it needs to be completely gutted and rebuilt. The flooding also damaged the Kreagers' outdoor structures and many of the contents in the garage and shed.

832. In addition to the damaged property, the Kreagers have lost the use and enjoyment of the lake and lost value in their waterfront property.

Kukla, Charlotte

833. Plaintiff Charlotte Kukla is a resident of Sanford, Michigan who owns a parcel of real property located at 4129 North Beach Street. This property is her primary residence.

834. Kukla's property sits on the east side of Sanford Lake with 85 feet of lake frontage. Her 1,450 square foot house is a modular construction with a brick and cinderblock finished walkout basement.

835. The flooding on May 19, 2020 caused the finished basement to fill with over six feet of water, destroying all of the contents inside. Prior to the flood, the basement was set up as a completely livable home, with a kitchen, bedrooms, living room, and laundry area. Due to the extent of the damage, the basement needs to be completely gutted and replaced.

836. In addition to the damaged property, Charlotte Kukla has lost the use and enjoyment of the lake and has lost value to her waterfront property.

Kuron, Robert and Arlene

837. Plaintiffs Robert Kuron and Arlene Kuron are residents of Rochester Hills, Michigan who jointly own a parcel of real property in

Beaverton, Michigan located at 4062 Bayview Road with an adjoining property at 4061 Bayview Road. This property is their secondary residence.

838. The Kurons' property sits on the east side of Wixom Lake with 87 feet of lake frontage. Their house is a 900 square foot cottage with a wood frame, vinyl siding and a partial cement basement. The lot also has a two-car garage and includes a lot across the street with a 30 foot by 40 foot pole barn.

839. The Kurons have lost the use and enjoyment of the lake and lost value in their waterfront home.

Lackey, Daniel

840. Plaintiff Daniel Lackey is a resident of Hope, Michigan who owns a parcel of real property located at 4996 Beech Road. This property is his primary residence.

841. Lackey's property sits on a peninsula with Wixom Lake on one side and a canal on the other, with 50 feet of water frontage on each side. His house is a 1,200 square foot, two-story home with a wood frame and vinyl siding. The property also has an attached and an unattached garage, a gazebo, and docks on either side in the canal and the lake.

842. The flooding on May 19, 2020 caused the first floor of Lackey's home to fill with four to five feet of water, destroying the interior of the home and its contents. The interior needs to be completely gutted and repaired.

843. In addition to the damaged property, Daniel Lackey has lost the use and enjoyment of the lake and has lost value to his waterfront property.

Lambert, Fred and Tonya

844. Plaintiffs Fred Lambert and Tonya Lambert are residents of Midland, Michigan who jointly own a piece of real property located at 3911 Woodside Drive. This property is their primary residence.

845. The Lamberts' property is on a residential street in Midland with no water frontage. Their home is a quad-level 1704 square foot house with a wood frame and vinyl and brick siding.

846. The flooding on May 19, 2020 caused the Lamberts' basement to completely flood, and water rose to four feet on the lower level and two inches on the main level. All contents of the basement and lower level were destroyed, and the lower two levels need to be completely gutted and rebuilt.

Lamblin, Dennis and Doris

847. Plaintiff Dennis Lamblin and his wife Doris Lamblin are residents of Beaverton, Michigan who jointly own a parcel of real property located at 321 Island Drive. This property is their primary residence.

848. The Lamblins' property sits on an island on Wixom Lake with 85 feet of lake frontage. Their home is a 1,550 square foot, single story house with

a wood frame and vinyl siding and an attached garage. There is also a 12 by 24 foot storage shed on a cement slab on the property.

849. The flooding on May 19, 2020 caused the Lamblins' home to fill with roughly eighteen inches of water and their attached garage to flood with over three feet of water. The interior of the structure needs to be completely gutted and rebuilt. Most of the contents of the garage were also destroyed.

850. In attempting to pay for the various repairs that were required due to the flood damage, the Lamblins lost \$5,000 to a home restoration company that failed to do the promised work.

851. In addition to the property damage caused by the flooding, the Lamblins have lost the use and enjoyment of the lake and lost value in their waterfront home.

Latarte Sr., David

852. Plaintiff David Latarte Sr. is a resident of Saginaw, Michigan who owns a parcel of real property located in Sanford, Michigan at 3765 Timberlynn Trail. This property was his secondary residence.

853. Latarte has been spending every weekend of every summer at this property since 1996. It consists of four lots on the lake. He would bring his children there every summer and now his children bring his grandchildren

there. They would enjoy the boat and the water and used the property as a place to get away.

854. Latarte's property is a pie-shaped plot that sits on the Sanford Lake with 25 feet of lake frontage. His home was an 844 square foot cottage, park model with a room addition and two decks. There were also four sheds on the property, as well as a dock and boat hoist.

855. The flooding on May 19, 2020 carried away all of the structures on Latarte's lots. There is nothing left but empty land.

856. Latarte is now unable to use his summer property and he is unsure about whether he should rebuild because of the uncertainty of whether the lake will be restored.

Lathon, Paster

857. Plaintiff Paster Lathon is a resident of Saginaw, Michigan who owns a parcel of real property located at 2880 Evon Road. This property is his primary residence.

858. Lathon's property is a ten acre plot that sits roughly one mile away from the Cass River. His house is a 1,500 square foot modular home. There is also a garage with two attached sheds on the property.

859. The flooding on May 19, 2020 caused water to rise onto Lathon's property, flooding the yard and completely flooding his crawlspace. As a result,

the crawlspace had to be repaired and the flooring of his home needed to be replaced.

860. The garage and sheds were also flooded, destroying most of the contents stored in the structures. Lathon was planning a party for approximately 350 people and had chairs, tables, tents, food, and other supplies for the party stored in the garage. All of this property was damaged or destroyed as a result of the flood.

Latowski, Stanley

861. Plaintiff Stanley Latowski is a resident of Beaverton, Michigan who owns a parcel of real property located at 317 Island Drive. This property is his primary residence.

862. Latowski has owned the property since 2009 and has invested heavily into improving the property by completely remodeling the home and building two large pole barns and a deck.

863. Latowski's property sits on an island on Wixom Lake with 60 feet of lake frontage. His house is a 1,100 square foot ranch home with a wood frame and vinyl siding. He also has two 30 by 40-foot pole barns on the property and a covered hydraulic aluminum boat lift.

864. The flooding on May 19, 2020 caused Latowski's home to fill with four to five feet of water. As a result, all contents of the home were destroyed,

and the interior needs to be completely gutted and rebuilt. Latowski's garage also flooded, damaging the contents including his Corvette that he was storing inside.

865. Latowski has had to pay for alternative housing while his home was repaired to a livable state.

866. In addition to the property damage caused by the flooding, Latowski has lost the use and enjoyment of the lake and lost value in his waterfront home.

Latty, Christopher

867. Plaintiff Christopher Latty is a resident of Freeland, Michigan who owns a piece of real property located at 7802 North River Road. This property is his primary residence.

868. Latty's property sits roughly $\frac{3}{4}$ of a mile west of the Tittabawassee River with no water frontage. His home is a 2,361 square foot, two-story home with brick construction and vinyl siding. The home also has an attached garage and an unfinished basement.

869. The flooding on May 19, 2020 caused Latty's basement to fill with five feet of water and the main floor to fill with two to three feet of water. The flooding destroyed all of the contents in the basement and first floor of the home, and both floors need to be gutted and rebuilt.

Lawson, Joseph and Marie

870. Plaintiffs Joseph Lawson and Marie Lawson are residents of Sanford, Michigan who jointly own a parcel of real property located at 5138 Lake Sanford Road. This property is their primary residence.

871. The Lawsons have owned and maintained this property since 1994. They have increased the value of the property significantly by adding a second story on their house and completely remodeling the interior. The Lawsons raised four children in the home and the lake was a source of recreation and entertainment for them and their friends. The lake was also a way for Joseph Lawson to entertain clients because he is a professional salesman.

872. The Lawsons' property sits on the west side of Sanford Lake with 78 feet of lake frontage. Their house is a 3,800 square foot, two-story home with a walkout basement. There is also an attached two-and-a-half car garage and stairs and decking that lead from the house to the water.

873. The flooding on May 19, 2020 caused the water to rise onto the Lawsons' property, knocking away a portion of the decking that was closest to the water. The flood also knocked out the power that ran down to the water and their irrigation pump and sprinkler system is unusable because of the low water level.

874. The Lawsons have lost their view of the lake and their ability to host family and business associates to enjoy the access to the water. They are devastated by the sight of the lake in its current condition. They have also lost value in their waterfront home.

LeGrande, Linda

875. Plaintiff Linda LeGrande is a resident of Burton, Michigan who owns a parcel of real property in Beaverton, Michigan located at 3042 South Whitney Beach Road. This property is her secondary residence.

876. LeGrande's property sits on the east side of the Tittabawassee River with direct water frontage. Her house is a two-bedroom cabin with vinyl siding. There is also a patio and three sheds on the property.

877. The flooding on May 19, 2020 caused the water to rise and partially fill the fishing shed on LeGrande's property. The water damaged the shed door and destroyed the contents inside.

878. In addition to the damaged property, Legrande has lost the use and enjoyment of the river and lost value in her waterfront property.

Lewis, Dennis and Anedra

879. Plaintiffs Dennis Lewis and Anedra Lewis are residents of Edenville, Michigan who jointly own a parcel of real property located at 696 West Shearer Road. This property is their primary residence.

880. The Lewises' property is 90 acres of land that sits east of Sanford Lake, with 5/8 of a mile of lake frontage. The lake frontage is landscaped, mowed, terraced and planted with mature trees. The frontage contains a concrete boat launch, a fishing dock, a pavilion with steel supports and a metal roof, an outhouse, and six picnic tables.

881. The flooding on May 19, 2020 caused the water to rise over the frontage up to 25-30 feet. As a result, the pavilion was destroyed by a willow tree that washed 2/3 of the way down the property. The boat ramps were relocated, and the outhouse, fishing dock, and picnic tables were washed away along with a 14 foot aluminum fishing boat.

882. In addition to the property damage caused by the flooding, the Lewises have lost the use and enjoyment of the lake and lost value in their waterfront property.

Amy Lindman- Naismith and Anthony Naismaith

883. Plaintiff Amy Lindman-Naismith and Anthony Naismith are residents of Hope, Michigan where they own a parcel of real property located at 12 West Lakeshore Drive. This property is their primary residence.

884. The property sits on a canal off Wixom Lake with 140 feet of canal water frontage. Their house is a 900 square foot home with cement block construction, vinyl siding, and a three-season room that adds an additional 300 square feet.

885. The property also contains a 2 ½ car garage and an original outhouse along with landscaping, flowerbeds, and a deck that goes along 90 feet of the seawall.

886. The flooding on May 19, 2020 caused the lake to rise several feet above the plaintiff's seawall, damaging the yard and causing the decking along the seawall to collapse. They also had to pay to recover their boat from the lake bed.

887. In addition to property damage, the plaintiffs have lost the use and enjoyment of the lake and lost value in the waterfront property.

Little, James and Roseanne

888. Plaintiffs James Little and Roseanne Little are residents of Sanford, Michigan who jointly own a parcel of real property located at 2827 North Lakeview Drive. This property is their primary residence.

889. The Littles' property sits on a peninsula on the east side of Sanford Lake with 0.365 acres of lake frontage. Their house was a 1,300 square foot, two-bedroom home with two covered porches, two bay windows, and a sliding glass door. The house had a cement block foundation, a wood frame, vinyl siding, and a sealed seam metal roof.

890. The flooding on May 19, 2020 caused the water to completely fill the Littles' crawlspace and rise to roughly six feet inside of the home. The water knocked out blocks on all four walls of the foundation and caused the east side of the home to drop four feet. The interior floors and walls were warped and filled with mold from the flooding. The damage is so extensive that the home was condemned and has been demolished.

891. As a result, the Littles have lost the use and enjoyment of their home and the lake.

LoDuca, James and Jill

892. Plaintiffs James LoDuca and Jill LoDuca are residents of Troy, Michigan who jointly own a parcel of real property in Beaverton, Michigan located at 5453 South Pine Street. This property is their secondary residence.

893. The LoDucas' property sits on Wixom Lake with 106 feet of lake frontage. Their home is an 1,800 square foot, ranch-style home with cinderblock construction, a wood frame, and vinyl siding. There is also an attached, oversized three-car garage and a detached four-car garage on the property.

894. The flooding on May 19, 2020 caused all of the structures on the LoDucas' property to fill with roughly four feet of water. As a result, all of the contents of the home and garages below four feet were destroyed and need to be completely gutted to the studs and rebuilt.

895. The cedar boardwalk that ran along the seawall was also destroyed by the flood.

896. In addition to the damaged property, the LoDucas have lost the use and enjoyment of the lake and lost value in their waterfront home.

Longstreth, Carolyn

897. Plaintiff Carolyn Longstreth is a resident of Coleman, Michigan who owns a parcel of real property in Gladwin, Michigan located at 643 East Sun Oil Road. This property is her secondary residence.

898. Longstreth has owned and maintained this property since 1994. She has continually improved the property by building a new house and installing a steel seawall on the waterfront, among other improvements.

899. Longstreth's property sits on Smallwood Lake with 70 feet of lake frontage. Her house is a two-bedroom home with a wood frame, vinyl siding, and a lakefront walkout deck. Her land is flat and completely usable, leading down to the shoreline with a steel seawall and two docks.

900. The flooding on May 19, 2020 caused Longstreth's walkout area to fill with five feet of water, destroying the contents and cracking one of the walls. The water destroyed her furnace and air conditioner, damaged her two paddle boats, and damaged the contents of her shed. The receding water and lower lake level also have the potential to damage her seawall and shoreline in the future.

901. In addition to the damaged property, Longstreth has lost her use and enjoyment of the lake and lost value in her waterfront property.

Lyons, Barbara

902. Plaintiff Barbara Lyons and Bradley Lyons are residents of Midland, Michigan who own a parcel of real property in Gladwin, Michigan located at 869 Lakeshore Drive. This property is their secondary residence, and they own it as joint tenants in common with full rights of survivorship.

903. The Lyons' property sits on Smallwood Lake with 65 feet of lake frontage. Their house is a single-family home with a wood frame and vinyl siding that sits on a cement slab. There is also a garage, dock, and deck on the property.

904. The flooding on May 19, 2020 caused the lake to rise eight feet above normal levels onto the property. The flood waters damaged the Lyons' dock, deck, and railings. They are now concerned that the flood may have damaged their seawall and that the lack of water is contributing to erosion on their property that may affect their well.

905. The Lyons planned to move into this home as their retirement home this year. Now the lack of water and the uncertainty surrounding when or if the lake will be restored is causing them stress. They are unable to use their boat and may have to pay to rent a slip elsewhere. Additionally, they are concerned that they will have to pay high assessments on their property in order to restore the dams.

906. In addition to the damaged property, the Lyons have lost the use and enjoyment of the lake and lost value in their waterfront property.

Magirl, Patrick and Lynda

907. Plaintiffs Patrick Magirl and Lynda Magirl are residents of Beaverton, Michigan who own a parcel of real property located at 657 West Mayfly Drive. This property is their primary residence and is owned under the Patrick J. and Lynda K. Magirl Trust.

908. The Magirls' property sits on the Tobacco River below the Edenville Dam with 115 feet of river frontage. Their house is a 2,241 square foot single-family home with a wood frame, a finished basement, and a combination of stone, log, and vinyl siding. The property also has a pole barn and a custom shed built with materials identical to the main house.

909. The flooding on May 19, 2020 caused water to rise to over two-feet at the Magirls' walkout patio and caused their basement to fill with roughly five inches of water. The finished basement has to be completely gutted and rebuilt as a result of the damage.

910. The Magirls' custom shed was also toppled by the flood where it is still blocking a pedestrian sidewalk and visibility to the river. Lifting the shed back to its original position will require heavy machinery that the Magirls

cannot access at this time, and the interior will likely need to be gutted and rebuilt because of water damage.

911. The aftermath of the flood has brought significant hardships on the Magirls. The flood destroyed the two state highway bridges that allowed them to access their property. In the days after the flood, they were only able to get to their home by kayak to begin the initial gutting process. After that first week, they were able to move back into the property and have been working constantly to rebuild their home.

912. The lack of road access to their property has trapped the Magirls' vehicles on the property. They have also been deprived of access to emergency services, mail delivery, and garbage pickup. Additionally, the flood destroyed the natural gas pipeline which took over two months to repair, and Consumers Energy did significant property damage when installing the pipeline by digging several large pits. Finally, the Magirls' have not had internet service since the flood.

913. The Magirls have lost access and use of their property. The river is now dry, and they have lost value in their waterfront property.

Malecki, Robert and Michael

914. Plaintiffs Robert Malecki and Michael Malecki are residents of Midland, Michigan who own a parcel of real property located at 5904 Woodbridge Lane. This property is their primary residence.

915. The Maleckis' home sits in a residential subdivision with no water access. Their house is 2,800 square feet with stone and vinyl siding, brick chimneys, a brick sunroom, and a full basement.

916. The flooding on May 19, 2020 caused the Maleckis' basement to fill with over four feet of sewage. With the exception of the few items the Maleckis were able to carry out of the basement when the flooding began, all contents of the basement were destroyed. The basement needs to be completely gutted and rebuilt as a result of the flood damage.

Mandell, Edward and Darla

917. Plaintiffs Edward Mandell and Darla Mandell are residents of Dearborn Heights, Michigan who jointly own a parcel of real property in Beaverton, Michigan located at 5430 Heron Cove. This property is their secondary residence.

918. The Mandells' property sits on Wixom Lake with 120 feet of lake frontage. Their house is a 1,728 square foot, two-story home with a wood frame and vinyl siding.

919. The flooding on May 19, 2020 caused the Mandells' crawlspace to fill with water and caused the first floor of the home to fill with two feet of water. As a result of the flood damage, the first floor needs to be completely gutted and rebuilt.

920. In addition to the property damage, the Mandells have lost the use and enjoyment of the lake and lost value in their waterfront property.

Markel, Michael and Debra

921. Plaintiffs Michael Markel and Debra Markel are residents of Munger, Michigan who own a parcel of real property in Sanford, Michigan located at 2907 North Lakeview Road. This property is their secondary residence and is owned by the Markel Family Trust.

922. The Markels' property sits on the east side of Sanford Lake with 75 feet of lake frontage. Their house is a 1,588 square foot cottage with a walkout, wood frame, and vinyl siding.

923. The flooding on May 19, 2020 caused the Markels' home to fill with over three feet of water on the main floor. Most of the contents on the main floor were destroyed due to the water damage and the entire interior of the main floor needs to be gutted and repaired.

924. In addition to the property damage, the Markels have lost the use and enjoyment of the lake and have lost value in their waterfront property.

McGuire, Warren Michael

925. Plaintiff Warren Michael McGuire is a resident of Sanford, Michigan who is the sole owner of a parcel of real property located at 2797 North Little Canal Drive. This property is his primary residence.

926. McGuire has owned and maintained this property since 1995. He built a house on the property that was completed in 1996 and has invested heavily in improving the property, including a recent investment of \$52,000 to replace the roof, exterior painting, and replacement of exterior doors.

927. McGuire's property sits on a peninsula, with the front facing a canal and the back facing Sanford Lake. The house is a 2,854 square foot, two-story house with a wood frame, stucco exterior, and a cemented crawlspace that was also used for storage. The home also has an attached garage, and 868 square feet of wood decking.

928. The flooding on May 19, 2020 caused McGuire's crawlspace to completely fill with water, the first floor of the home to fill with 40 inches of water, and the garage to fill with 60 inches of water. As a result of the flooding, the crawlspace and all contents were destroyed, and the first floor of the home and the garage needs to be completely gutted and rebuilt. The contents of the garage were destroyed including two vehicles.

929. In addition to the damaged property, McGuire has lost the use and enjoyment of the lake and has lost value in his waterfront property.

McMullen, Ryan and Valerie

930. Plaintiffs Ryan McMullen and Valeria McMullen are residents of San Diego, California who jointly own a parcel of real property located in Beaverton, Michigan located at 1340 Highland Cove. This property is their secondary residence.

931. The McMullens purchased the property from Valerie McMullen's family after her grandparents passed away. The cabin on the property was built by Valerie's family in 1985.

932. The McMullens property sits on the Tobacco River with a personal dock and connected deck on the water. Their cabin is 952 square feet with a wood frame.

933. The flooding on May 19, 2020 caused the river to rise six feet onto the McMullen's property, separating the deck from the dock and shifting it a few feet. They were able to obtain equipment and repair the deck themselves.

934. In addition to the damaged property, the McMullens have lost the use and enjoyment of the Tobacco River and lost value in their waterfront property.

Mertke, Donald and Shirley

935. Plaintiffs Donald Mertke and Shirley Mertke are residents of Shelby Township, Michigan who jointly own a piece of real property in Beaverton, Michigan located at 5507 Oakridge Drive and 5511 Oakridge Drive. This property is their secondary residence.

936. The Mertkes' property sits on a peninsula on Wixom Lake with 127 feet of lake frontage. Their house is a modular home with two conventional rooms added on to the structure. The property also has a detached garage and another garage with a guest house.

937. The flooding on May 19, 2020 caused the Mertkes' home to fill with nine inches of water and caused both garages and the guest house to fill with roughly four feet of water. Their crawlspace was also completely flooded. As a result of the water damage, the structures had to be gutted down to the studs and completely rebuilt. The flood also damaged the Mertkes' car, golf cart, and boat.

938. In addition to the property damage, the Mertkes have lost the use and enjoyment of the lake and lost value in their waterfront property.

Michels, Megan

939. Plaintiff Megan Michels is a resident of Saginaw, Michigan who owns a parcel of real property located at 434 North River Road. This property

is Megan Michels' primary residence, which she was recently granted in her divorce.

940. Michels' property sits on the Tittabawassee River with direct river frontage. Her house is a four-bedroom home with a cinderblock crawlspace, wood frame, vinyl siding, and a single-car garage. On the exterior there is a fenced yard containing a shed with a loft, a front porch, and a back deck.

941. The flooding on May 19, 2020 caused the river to rise onto Michel's property, completely filling her crawlspace. The water continued to rise and began pouring out of the ventilation system onto the main floor, rising up to five inches inside the home. As a result, much of the contents were destroyed and the structure sustained significant damage. The interior of the home needs to be completely gutted and repaired.

942. The garage and mudroom flooded with roughly two feet of water, causing interior damage and damaging the Harley Davidson motorcycle in Michels' garage. Her shed also flooded, destroying all contents.

943. Michels broke her finger on her primary hand while cleaning out her home as a result of the flood. The finger is still not fully functional. Additionally, she has had to spend thousands on alternate housing and food while her home is repaired.

944. In addition to the damaged property, Michels lost the use of her home as well as the use and enjoyment of the water near her home.

Mikkola, James and Robin

945. Plaintiffs James Mikkola and Robin Mikkola are residents of Sanford, Michigan who jointly own a parcel of real property located at 5212 North Vista Drive. This property is their primary residence.

946. The Mikkolas' home sits on two-and-one-half acres and they also have 1/25 ownership of unattached lakefront property commencing at the north 1/4 corner of section 26, T16N, R1W, then south 88 deg 21 min 33sec West 561.59 feet along the north section line to the point beginning; then south 88 deg 21 min 33 sec West 334.03 feet along the north section line; then south 32 deg 47 min 43 sec. East 50 feet; then north 83 deg 09 min 27 sec East 313.88 feet; then north 18 deg 47 min 53 sec West 15 feet to the point of beginning; including all land fronting the water's edge between the northerly and southerly lines of the above-described parcel extended westerly to the water's edge elevation of Sanford lake.

947. The Mikkolas' house is a 2,200 square foot modular home with a wood frame, vinyl siding, and an attached garage. They also have a pond on the property and a dock on the lake.

948. The flooding on May 19, 2020 caused the lake to rise onto the Mikkolas' property, sweeping away their dock. The Mikkolas' pond and aquifer levels have dropped after the flood and they are concerned that their well may be damaged.

949. In addition to the damaged property, the Mikkolas have lost the use of their pond and the lake, and lost value in their property.

Miller, Donald

950. Plaintiff Donald Miller and Carol Miller are residents of Sanford, Michigan who jointly own a piece of real property located at 2963 North Lakeview Drive. This property is their primary residence.

951. The Millers' property sits on the east side of Sanford Lake with 95 feet of lake frontage. Their house is 1,800 square feet with a wood frame and vinyl siding. They also have a two-car garage, a dock, a boat lift, a stone patio, and a sprinkler system on the property.

952. The flooding on May 19, 2020 caused the lake to rise between ten and fifteen feet above their seawall before receding. As a result of the dam failures, the Millers' have lost the use and enjoyment of the lake and lost value in their waterfront home.

Mishler, Robert and Susan

953. Plaintiffs Robert Mishler Jr. and Susan Mishler are residents of Sanford, Michigan who jointly own a parcel of real property located at 2848 Lakeview Drive. This property is their primary residence.

954. The Mishlers' property sits on the east side of Sanford Lake with 55 feet of lake frontage. Their house is a 2,400 square foot, two-story home with an attached two car garage, wood frame, and vinyl siding. Their home sits on two combined lots, which also has two storage sheds and a seawall at the shoreline.

955. The flooding on May 19, 2020 caused the Mishlers' property and home to flood with six feet of water, including the interior of the house and garage. Nearly all of the contents of the home and garage were destroyed, and the structures need to be gutted and rebuilt as a result of the extensive water damage.

956. The flood water also dented a few pieces of the Mishlers' siding on their house, washed away one shed, and damaged their landscaping, deck, and patio.

957. In addition to the damaged property, the Mishlers have lost their use and enjoyment of the lake and lost value in their waterfront home.

Moe, Mary

958. Plaintiff Mary Moe and Mark VanWormer are residents of Sanford, Michigan who jointly own a parcel of real property located at 530 West Donald Drive. This property is their primary residence.

959. The plaintiff's property sits on the west side of Sanford Lake with 135 feet of lake frontage. Their house is an 1,800 square foot, single-family home with a wood frame and vinyl and stone siding. The house also has an attached two-car garage and a finished walkout basement that adds an additional 1,800 square feet of living space.

960. The plaintiff also has several exterior structures on the property. These include a large barn, a walkout basement deck, three lake decks, outdoor stairs and boardwalk, and four dock sections.

961. The flooding on May 19, 2020 caused the plaintiff's property to flood with roughly twenty feet of water, damaging their outdoor structures including their stairs and deck.

962. In addition to the damaged property, the plaintiff has lost the use and enjoyment of the lake and have lost value in the waterfront home.

Moore, Jackie

963. Plaintiff Jackie Moore is a resident of Midland, Michigan who owns a parcel of real property located at 5228 Perrine Road. This property is her primary residence.

964. Moore's property sits in a residential neighborhood in Midland with no direct water access. Her house is a 1,481 square foot, single-story home with a wood frame, vinyl siding, and a detached garage.

965. The flooding on May 19, 2020 caused Moore's basement to completely fill with water, destroying most of the contents. The basement had to be emptied, cleaned, and disinfected due to the resulting water damage. The garage also flooded with roughly two feet of water, damaging several tools and other contents.

Moots, Glenn and Michelle

966. Plaintiffs Glenn Moots and Michelle Moots are residents of Sanford, Michigan who own a parcel of real property located at 833 West Campbell Court. This property is their primary residence.

967. The Moots' property is bounded by Sanford Lake and a canal, with over 400 feet of water frontage. Their house is a 2,950 square foot, stick-built ranch home with brick, a crawlspace and vinyl siding. The property also has a detached 4-car garage, a shed, and an attached porch and deck.

968. The flooding on May 19, 2020 caused the Moots' home to fill with six feet of water and their garage to fill with eight feet of water. The structure of the home needed to be completely gutted down to the studs and rebuilt.

969. Due to the extent of the damage to their home, Glenn and Michelle Moots have been unable to occupy the structure and they are paying for alternate housing while they repair their home.

970. There are five LLCs that operated out of the home and have been disrupted by the destruction of the property. Most significantly, Lakeside Media Sales lost approximately \$70,000 worth of inventory and well as business and inventory records. In addition, the Lakeview Academic Solutions lost thousands of books in a professional library.

971. While the damage to Plaintiffs' property is still ongoing, they have already lost business opportunities and earnings, and will continue to lose earnings before their operational facilities can be restored.

972. In addition to the property damage, Glenn and Michelle Moots have lost the use of their home and lost the use and enjoyment of the lake. They have also lost value in their waterfront property.

Morrison, Larry and Barbara

973. Plaintiffs Larry Morrison and Barbara Morrison are residents of Sanford, Michigan who own a parcel of real property located at 5276 North

Lake Sanford Road. This property is their primary residence and is held under the Larry Wayne Morrison Trust.

974. The Morrisons' property sits on the west side of Sanford Lake with 85 feet of lake frontage. Their house is 1,100 square feet with a 400 square foot walkout basement and a 2-car attached garage. This property also includes three docks, a boat hoist, and a storage shed. The Morrisons also own a thirty-five-acre horse and hay farm and another adjoining lot that sit across the street from their home. The farm includes a large pole barn, stable, and workshop with water and electricity.

975. The flooding on May 19, 2020 washed away the Morrisons' docks, boat hoist, and kayaks. In addition to the damaged property, the Morrisons have lost the use and enjoyment of the lake and lost value in their waterfront property.

Mulholland, Wayne

976. Plaintiff Wayne Mulholland is a resident of Beaverton, Michigan who owns a parcel of real property located at 1250 Estey Road. This property is his primary residence.

977. Mulholland's property sits on Wixom Lake with 180 feet of lake frontage. His house is a 1,900 square foot, two-story home with a wood frame

and vinyl siding. He also has a garage, a seawall, a dock, and a boat hoist on the property.

978. The flooding on May 19, 2020 caused the water to rise onto Mulholland's property, coming within ten feet of his home. The flood destroyed his new aluminum dock and damaged his boat hoist and seawall.

979. In addition to the damaged property, Mulholland has lost his use and enjoyment of the lake and lost value in his waterfront property.

Nadolski, Mark and Melissa

980. Plaintiffs Mark Nadolski and Melissa Nadolski are residents of Macomb, Michigan who jointly own a parcel of real property in Sanford, Michigan located at 5432 North Sanford Lake Road. This property is their secondary residence.

981. The Nadolskis' property is a one-acre lot that sits on the west side of Sanford Lake with 120 feet of lake frontage. Their house is a 900 square foot cottage with a wood frame and vinyl siding that sits on a cement slab. The property also includes a garage, pole barn, shed, a forty-foot dock, and two boat hoists.

982. The flooding on May 19, 2020 caused the Nadolskis' cottage to fill with over four feet of water and destroyed the cement slab foundation. All contents of the structure were destroyed due to water damage and the cottage

had to be demolished because of the damage to the cement slab. The garage was also damaged in the flood.

983. In addition to the property damage and the loss of their cottage, the Nadolskis have lost the use and enjoyment of the lake and lost value in their waterfront property.

Naftzger, Tim and Rachel

984. Plaintiffs Tim and Rachel Naftzger are residents of Homerville, Ohio who own a parcel of real property in Sanford, Michigan located at 306 West Saginaw Road. They uses this parcel as rental property.

985. The Naftzgers' property is a quarter-acre parcel that sits in the village of Sanford with no water frontage. The house is roughly 1,000 square feet with a block foundation, wood frame, and vinyl siding. The house includes a partially-finished basement that adds an additional 400 square feet of living space. The parcel was entirely fenced and includes a detached garage.

986. The flooding on May 19, 2020 caused the Naftzgers' basement to completely fill with water and the main floor to fill with three feet of water. The living areas of the home have to be completely gutted and rebuilt as a result of the extensive water damage. The property also has to be completely dried and cleaned.

987. All of the fencing surrounding the property was washed away in the flood and the interior of the garage was also damaged.

988. The Naftgzers are unable to rent this property in its current state and have lost income as a result.

Neal, Lisa

989. Plaintiff Lisa Neal is a resident of Fort Gratiot, Michigan who has a land contract for property in Sanford, Michigan located at 978 Timberlynn Trail, Lots 178 and 179. She owned the RV that was on the property.

990. Neal's property sits in the Flat's Condominium Campground next to Sanford Lake with water access. Her RV was roughly 320 square feet with a two-level deck. On the exterior of the RV there was a shed, pallet bar, fire pit, and landscaping.

991. The flooding on May 19, 2020 caused the Sanford Lake to rise roughly ten feet onto Neal's property and filled her RV with six feet of water. The RV was carried away by the flood water and totaled, all contents inside were destroyed.

992. Even though the RV was totaled, Neal had to cover some of the loss out of pocket. Before the flood, Neal had planned on selling the RV and the property because it posed a financial burden to her. Now, she is forced to pay

maintenance fees, taxes, and any special assessments for repairs to the campground until the property becomes usable enough to sell.

993. In addition to the damaged property, Neal has lost the use and enjoyment of the lake and her property. She has also lost value in the property due to the loss of the lake.

Ewa Christina Neuscheutz and Goetz Bjoern Marggraff

994. Plaintiffs Ewa Christina Neuscheutz and Goetz Bjoern Marggraff are residents of Sanford, Michigan who jointly own a parcel of real property located at 4601 Weeping Willow Lane. This property is their primary residence.

995. The plaintiffs' property sits on a canal off Sanford Lake with 150 feet of canal frontage. Their house is a 2,800 square foot, ranch-style home with a wood frame, aluminum and brick siding, a walkout basement, and a cedar screen porch with a glass roof.

996. The flooding on May 19, 2020 caused water to cover half of the plaintiffs' yard and damaged their dock.

997. In addition to the property damage, the plaintiffs have lost the use and enjoyment of the lake and lost value in their waterfront property.

Newman, Robert and Sigrid

998. Plaintiffs Robert Newman and Sigrid Newman are residents of Oro Valley, Arizona who jointly own a parcel of real property in Midland, Michigan located at 3306 Thornbrook Court. This property is their secondary residence.

999. The Newman's property is a condominium in a five-unit block with no water frontage. The condo is 1,850 square feet with a cinderblock basement and brick and wood framing. It also has an attached 2-car garage and a sunroom.

1000. The flooding on May 19, 2020 caused the basement wall to breach and collapse, filling the Newmans' basement with water and flooding the main floor with twenty-one inches of water. All contents in the basement and first floor were destroyed and the property was condemned by the city. The basement wall needs to be rebuilt and the interior needs to be completely gutted and rebuilt as a result of the flood damage.

1001. The Newmans' garage also flooded with forty-two inches of water, damaging the structure and the contents inside.

Novak, Denise and Raymond

1002. Plaintiffs Raymond Novak and Denise Novak are residents of Sterling Heights, Michigan who own a parcel of real property in Sanford,

Michigan located at 3300 North Lakeside Drive. This property is their secondary residence.

1003. The Novaks' property sits on the west side of Sanford Lake with 75 feet of lake frontage. Their house is a 1,200 square foot cottage with vinyl and aluminum siding and a walkout basement.

1004. The flooding on May 19, 2020 caused the lake water to rise roughly seven feet onto the property, damaging the Novaks' dock, patio, stairs, boat lift, boat, and sprinkler system.

1005. In addition to the property damage, the Novaks have lost the use and enjoyment of the lake and lost value in their waterfront home.

Nyeholt, Craig and Beverly

1006. Plaintiffs Craig Nyeholt and Beverly Nyeholt are residents of Almont, Michigan who jointly own a parcel of real property in Beaverton, Michigan located at 336 Island Drive. This property is their secondary residence.

1007. The Nyeholts' property sits on a canal off of Wixom Lake with 80 feet of lake frontage. Their house is a 1,300 square foot, two-bedroom ranch home with a wood frame, vinyl siding and an attached and detached garage.

1008. The flooding on May 19, 2020 caused the water to rise three feet onto the property, causing extensive damage to the Nyeholts' seawall.

1009. In addition to the property damage, the Nyeholts have lost the use and enjoyment of the lake and lost value in their waterfront property.

Olinzock, Richard and Margaret

1010. Plaintiffs Richard Olinzock and Margaret Olinzock are residents of Highland, Michigan who jointly own a parcel of real property in Hope, Michigan located at 169 East Lakeshore Drive. This property is their secondary residence.

1011. The Olinzocks' property comprises two lots that sit on Wixom Lake with 278 feet of water frontage. Their house is a 1,300 square foot home with brick construction, vinyl siding, and a metal roof. The home sits on a cement slab.

1012. The flooding on May 19, 2020 caused the Olinzocks' home to fill with two feet of water, causing damage to the structure and destroying many of the contents inside the home. As a result of the damage, the interior of the home had to be gutted and rebuilt.

1013. In addition to the property damage, the Olinzocks lost the use and enjoyment of the lake and lost value in their waterfront property.

Ouellette, Carol

1014. Plaintiff Carol Ouellette is a resident of Beaverton, Michigan and the owner of a parcel of real property located at 351 Island Drive. Ms. Ouellette is a retired healthcare worker.

1015. Ms. Ouellette has owned her property since 1990 and has resided there alone since her husband passed away in 1998. The property is located on Wixom Lake with approximately 248 feet of frontage. Ms. Ouellette lives in an approximately 1200-square-foot two-bedroom home with an attached lakefront sunroom. She also maintained a dock, a shed, and wooden benches on her property to enjoy the lakefront view.

1016. The flooding on May 19, 2020 caused Ms. Ouellette's home to fill with approximately 3-4 feet of water, causing damage to the structure and destroying the contents of the home. As a result, the interior of the home had to be gutted and rebuilt, and essential items including furniture and appliances had to be replaced. Ms. Ouellette was forced to evacuate; she reached a nearby motel, but then had to sleep in her car with her three rescue cats upon learning that the floodwater was headed towards the motel. Plaintiff lost nearly all of her material possessions, including irreplaceable sentimental items such as family heirlooms passed down from her mother and grandmother and photographs of her children and grandchildren.

1017. In addition to the damage to her property, Ms. Ouellette has suffered the loss of use and enjoyment of her waterfront property and a loss of actual value to her property.

Parent, Richard

1018. Plaintiffs Richard and Lois Parent are residents of Beaverton, Michigan, and owners of a parcel of real property located at 5576 Mangus Road, their primary residence.

1019. The Parents have owned their property since 1992. They are both retired. The Parents' property is located along the Tittabawassee River. The home is a 1550-square-foot single home dwelling made of wood with a vinyl siding. The Parents also have a 20-foot easement over the river and a garage, shed, dock, and pole barn on the property.

1020. The flooding on May 19, 2020 caused the complete destruction of the Parents' well. In addition to the damage to their property, the Parents have suffered a loss of the use and enjoyment of their property and a loss of actual value to their property.

O'Brien, Inez

1021. Plaintiff Inez O'Brien is a resident of Beaverton, Michigan and the owner of a parcel of real property located at 4755 Hill Drive. Ms. O'Brien is retired and is 80 years old as of the date of this filing.

1022. Ms. O'Brien inherited her property in 1972; the home atop the property was built by her late husband's father sometime around 1941.

1023. Ms. O'Brien owns a cabin constructed of a wood frame with vinyl siding and a detached garage with metal siding. The two-bedroom cabin contains approximately 700 square feet of livable space. The property slopes downward to Wixom Lake with approximately 40-50 feet of frontage.

1024. The flooding on May 19, 2020 caused the water to rise approximately 4 feet up on the sea wall. As a result, Ms. O'Brien has suffered the loss of the use and enjoyment of her property and a loss of actual value to her property.

Perry, Patricia & James

1025. Plaintiffs James and Patricia Perry are residents of Sanford, Michigan and owners of a parcel of real property located at 102 E. Railroad Street. Mr. Perry is a self-employed contractor and Mrs. Perry is an executive administrative assistant.

1026. The Perrys have owned their property since 1989. The property is located in the village of Sanford, south of the Sanford Dam. The Perrys live in a 1300-square-foot home constructed of a wood frame with vinyl siding. The Perrys also had a garage, shed, gazebo, a basketball hoop, a playscape and a

sandbox on their property for family to enjoy. Mr. Perry maintained an office for his small business out of the home, as well.

1027. The flooding on May 19, 2020 caused a 17.5-foot-high swell of water to crash down upon the Perrys' home, destroying it completely. The structure of the home and all of its contents, as well as the garage, shed, and gazebo, were washed away. As a result, the Perrys had to live in their travel trailer until mid-October 2020, when they were able to move into the home of Mrs. Perry's late father, which has in turn required extensive repairs to become habitable.

1028. In addition to the damage to their property, the Perrys have suffered a loss of the use and enjoyment of their property and a loss of actual value to their property. They felt compelled to enter into a buyout agreement with the Village of Sanford at a significant financial loss. As of the date of this filing, they are still in the process of moving into Mrs. Perry's late father's house; they have had to take out a mortgage to repair the house and replace their belongings. They intended to retire in Sanford together. Instead, their prospects of retirement have been destroyed.

Petre, Keith and Colleen

1029. Plaintiffs Keith and Colleen Petre are residents of Sanford, Michigan. Mr. Petre is the owner of a parcel of real property located at 4823 N.

Verity. They have two children, both 22 years old. Mr. Petre is an electrician, and Mrs. Petre is disabled and unable to work.

1030. The Petres have owned their property since 2012. They reside in a 1400-square-foot single-family home constructed of wood with a vinyl siding. The property has 100 feet of frontage on the Sanford Canal, and had a detached garage located near the home.

1031. Prior to the flooding of May 19, 2020, the canal's water level was approximately 2 feet below the canal bank. The flooding on May 19, 2020 caused the water to soar 9 feet over the canal bank, flooding the first level of the Petres' home and destroying most of the contents of that floor.

1032. In addition to the damage to their property, the Petres have suffered a loss of the use and enjoyment of their property and a loss of actual value to their property.

Pirnie, Patricia

1033. Plaintiff Patricia Pirnie is a resident of Sanford, Michigan and the owner of a parcel of real property located at 4456 N. Verity Road. Ms. Pirnie is a retired attorney and she is 80 years old as of the date of this filing.

1034. Ms. Pirnie has owned her property since 1994. Her property is located on Sanford Lake with approximately 60 feet of frontage. Her home was originally a wooden structure with vinyl siding; Ms. Pirnie has since made

significant improvements to the property, including the addition of a sun porch and three decks. The property has a carport, two sheds, and a dock on the lake.

1035. Ms. Pirnie was evacuated during the flooding on May 19, 2020. She later heard through the grapevine that the water levels reached 35 feet. When she returned, she found widespread damage to her property, including but not limited to damage to the deck, dock, sea well, lake pump and housing, and landscaping.

1036. As a result of the flooding, Mrs. Pirnie has suffered a loss of the use and enjoyment of her property and a loss of actual value to her property.

Pittman, Connie and Brian

1037. Plaintiffs Connie and Brian Pittman are residents of Saginaw, Michigan and the owners of a parcel of real property located at 6949 Wallace Street.

1038. The Pittmans have owned their property since 1986. The Pittmans' property is located near the Tittabawassee River. They reside in a 1000-square-foot home constructed of a wooden frame with vinyl siding. They also maintained three sheds on the property.

1039. The flooding on May 19, 2020 caused 2 feet of water to flood the garage, entryway, and laundry room of the Pittmans' home, with 18 inches of water throughout the rest of the house. The structure is still standing as of the

date of this filing, but the Pittmans have had to replace the floors and the bottom half of the walls. They have had to purchase a motor home to live in while they attempt to repair their home. They also lost a 1998 Harley Davidson motorcycle.

1040. In addition to the damage to their property, the Pittmans have suffered a loss of the use and enjoyment of their property and a loss of actual value to their property.

Piwowarski, Francis

1041. Plaintiff Francis Piwowski is a resident of Saginaw, Michigan and the owner of multiple parcels of real property located at 1, 3, 5, and 7 Riverside Boulevard, Saginaw, Michigan. Mr. Piwowski is retired.

1042. Mr. Piwowski has owned his properties since 1986. The properties are located on the Tittabawassee River with approximately 150 feet of frontage. Mr. Piwowski lives in a 1700-square-foot home constructed of a wood frame with vinyl siding; he also maintains a garage, pole barn, and outbuildings on his property.

1043. The flooding on May 19, 2020 caused approximately two feet of water to flood the first floor of Mr. Piwowski's home, causing damage to the structure and destruction of many of the contents. As a result, the interior of

the home had to be gutted and rebuilt, and flooring, carpeting, and appliances had to be replaced.

1044. In addition to the damage to his property, Mr. Piwowski has suffered a loss of the use and enjoyment of his property and a loss of actual value to his property.

Plummer, Robert and Margaret and Hamlin, Brenda & Mark

1045. Plaintiffs Robert Plummer, Margaret Plummer, Brenda Hamlin, and Mark Hamlin through their company, 4751 Hill Dr., LLC, are the owners of a parcel of property located at 4751 Hill Drive, Beaverton, Michigan. The Plummers' primary residence is located in Farmington Hills, Michigan while the Hamlins' primary residence is located in Sterling Heights, Michigan.

1046. The Plaintiffs have owned their Beaverton property since 2015. The property is located on Wixom Lake with 50 feet of frontage. They maintain a 700-square-foot cottage with a 150-square-foot enclosed porch, a boat house, and a detached 1.5-car garage.

1047. The flooding on May 19, 2020 caused four feet of water to rise over the seawall and flood the boat house with 40 inches of water, destroying many of the items contained in the boat house. The structure is still standing, but the walls have bowed further inwards and additional repairs may be required. Further, the Plaintiffs incurred additional costs to remove their boat from its

hoist and out of the lake bed after the flooding caused the destruction of Wixom Lake.

1048. In addition to the damage to their property, the Plaintiffs have suffered the loss of the use and enjoyment of their lakefront property and a loss of actual value to their property.

Pop, Anca and Leach, Michael

1049. Plaintiffs Anca Pop and Michael Leach are residents of Sanford, Michigan and the owner of a parcel of real property located at 3627 N. Sunset Way.

1050. Plaintiffs have owned the property since 2019. The property is located on Sanford Lake with 102 feet of frontage and a three-story home constructed of brick and vinyl siding, with a walkout basement. Plaintiffs also maintained a garage, dock, and seawall on the property.

1051. The flooding on May 19, 2020 caused 15 feet of water to rush onto the property, flooding the yard and damaging the seawall and landscaping. Severe erosion from the river below now threatens the integrity of the property, and Plaintiffs have incurred significant costs for seawall repair.

1052. In addition to the damage to her property, Plaintiffs have suffered a loss of the use and enjoyment of the property and a loss of actual value to the property.

Potts, Irvin

1053. Plaintiff Irvin Potts is a resident of Sanford, Michigan and the owner of a parcel of real property located at 4155 North Francis Shore. Mr. Potts is employed in a leadership position at Dow Chemical and lives alone.

1054. Mr. Potts has owned his property since 2000 and he built his home in 2001. He invested significant financial resources to build his home, which is a 3000-square-foot stick-built home with vinyl siding and stone, as well as a patio, attached garage, and pole barn. His property has access to Sanford Lake within a quarter of a mile.

1055. The flooding on May 19, 2020 caused Mr. Potts to have to evacuate his home and stay in a hotel for approximately one week; it also destroyed his sump pump.

1056. In addition to the damage to his property, Mr. Potts has suffered a loss of the use and enjoyment of his property and a loss of actual value to his property.

Pruiett, Steve and Melanie

1057. Plaintiffs Steve and Melanie Pruiett are residents of Fenton, Michigan and the owners of a parcel of real property located at 4667 Hill Drive, Beaverton, Michigan.

1058. The Pruietts have owned their property since 1987. The property is located on Wixom Lake with 40 feet of frontage. They maintained a 1000-square-foot cabin constructed of a wood frame with aluminum siding with a basement and enclosed porch, along with a boat house, docks, and seawall. Prior to the flood, the Pruietts and their children and six grandchildren enjoyed the recreational opportunities offered by the property's lakefront access.

1059. The flooding on May 19, 2020 caused 8-10 feet of water to rise above the seawall and 2 feet of water to flood the basement of the Pruietts' cabin. The well on the property has gone dry. The Pruietts have had to dispose of all the items in the basement except for the floor covering and a few appliances, which need to be replaced. The boat house structure is cracked, and the seawall is severely damaged.

1060. In addition to the damage to their property, the Pruietts have suffered a loss of the use and enjoyment of their property and a loss of actual value to their property.

Ranck, Jim

1061. Plaintiff Jim Ranck is a resident of Mount Pleasant, Michigan and, through his company, Ranck Properties LLC, the owner of a parcel of real property located at 388 West Center Street, Sanford, Michigan.

1062. Mr. Ranck has owned his property since 2014. Upon the one-acre lot sit two buildings, which Mr. Ranck leased to renters: a 600-square-foot stick-built house and a brick two-story duplex.

1063. The flooding on May 19, 2020 completely washed the small house off of its concrete slab and caused water to rise two feet above the second-floor level of the duplex. Both structures are totally destroyed and Mr. Ranck must incur the costs of demolition.

1064. In addition to the damage to his property, loss of income from his rental properties, and costs of demolition, Mr. Ranck has suffered a loss of actual value to his property.

Rees, Richard and Kathy

1065. Plaintiffs Richard and Kathy Rees are residents of Beaverton, Michigan and owners of a parcel of real property located at 3516 Arapahoe Trail. They are both retired educators and still work in education. They live with their two young daughters.

1066. The Reeses have owned their property since 1997. The property is located on the north end of Wixom Lake with 135 feet of frontage. The Reeses live in a two-story home constructed of a wood frame and wood siding with a walk-out basement and attached garage. They also maintained an above-

ground pool, three-season porch, and new deck near their home, and a two-story wood frame barn, dock, and seawall on the property.

1067. The flooding on May 19, 2020 caused water to rise approximately 6 feet above its normal level. The Reeses had rented the home out in the summer as a vacation home between 2010-2015. From 2016-2019, the Reeses were teaching abroad in China and did not rent the home out. However, they returned to Michigan and were preparing to rent the home out again in the spring of 2020.

1068. The Reeses invested significant resources in installing a deck and pool on the property in 2019 so they could continue to rent the home out. The revenue earned from the rental of the vacation home was to provide for the Reeses' daughters' college education fund.

1069. The flooding on May 19, 2020 caused Wixom Lake to run dry. What was once a beautiful lakefront view and a promise of a future for their daughters is now just an empty lake bed. As a result, the Reeses have lost the use and enjoyment of their lakefront property; the ability to rent out the lakefront property to tourists and vacationers; and a loss of actual value to their property.

Remacle, Jacob

1070. Plaintiffs Jacob and Jodi Remacle are residents of Midland, Michigan and the owners of a parcel of real property located at 4211 Partridge Lane. They live with their three daughters.

1071. The Remacles have owned their property since 2011. The property is located on Partridge Lake and contains a 2400-square-foot stick-built home.

1072. The flooding on May 19, 2020 caused water to wash over the Remacles' yard and 55 inches of water to flood their basement. The Remacles were forced to leave their home and find temporary housing until it was safe to return. All of the contents of the basement were destroyed and while the structure of the Remacles' home remains intact, the basement has required significant repairs.

1073. In addition to the damage to their property, the Remacles have suffered a loss of the use and enjoyment of their property and a loss of actual value to their property.

Rice, Stephen and Bonni

1074. Plaintiffs Stephen and Bonni Rice are residents of Sanford, Michigan and the owners of five parcels of real property located on Sanford Lake. The Rices' primary home is located at 3027 Mulberry Way. They also own the following parcels of property: Parcel No. 080-012-300-125-00, which

contains a second home, and three vacant lots, Parcel Nos. 080-012-300-140-00, 080-012-300-130-00, and 080-012-300-115-00.

1075. The Rices have owned their properties since 1998. Their primary residence, secondary home, and vacant lots are all located directly on Sanford Lake. The Rices' primary residence is a 3500-square-foot home constructed of a wood frame and vinyl siding with a three-car garage, and their second residence is an 1800-square-foot home constructed of a wood frame and vinyl siding with a two-car garage and a two-story pole barn on the property. They also maintained a dock and a pontoon lift on their waterfront property.

1076. The flooding on May 19, 2020 caused approximately one foot of water to flood the basement of the Rices' home, damaging the drywall, sump pump, and other contents of the basement. The Rices' boat was also damaged.

1077. In addition to the damage to their property, the Rices have suffered a loss of the use and enjoyment of their property and a loss of actual value to the property.

Riggie, Adam

1078. Plaintiff Adam Riggie is a resident of Sanford, Michigan and the renter of the Unit 3 apartment located at 111 North Cedar Street. Mr. Riggie is a carpenter.

1079. Mr. Riggie began renting his apartment in 2016. The apartment is one of three units in a two-story home constructed of a block foundation with a wood frame. The property is located approximately 1000 feet from the dam.

1080. The flooding on May 19, 2020 caused approximately 5-6 feet of water to flood and surround the building. The basement was completely flooded and approximately 4 feet of water flooded the main living area. All of Mr. Riggie's personal belongings were destroyed. Mr. Riggie was forced to leave his home and sleep on friends' couches and floors, moving from place to place with no stability. Further, Mr. Riggie slipped, fell, and injured his back while trying to photograph the damage to his basement after the flood.

1081. In addition to the damage to his property, Mr. Riggie has suffered a loss of the use and enjoyment of his property.

Ritter, Ben

1082. Plaintiff Ben Ritter is a resident of Saginaw, Michigan and the owner of parcels of real property located at 5501 Ritter Road, 6278 Ritter Road, and 5872 North Portsmouth Road. Mr. Ritter is a farmer and college instructor.

1083. Mr. Ritter bought his farm in 2012 and has rented the rest from the Gilbert Ritter Trust since 2017. He planted and harvested soybeans and corn on his farmland. The flooding on May 19, 2020 destroyed his farmlands, flooding up to two feet and ruining hundreds of acres of soybeans and corn

crops and Mr. Ritter's farm equipment. The flooding has caused significant long-term damage to the farmland.

1084. In addition to loss of use and enjoyment of his property and the destruction of his crops, Mr. Ritter has suffered a loss of actual value to his property.

Robbins, Sandra and Paul

1085. Plaintiffs Sandra and Paul Robbins are residents of Beaverton, Michigan and the owners of a parcel of real property located at 1831 Sand Ridge Drive. They are retired and in their mid-70s as of the date of this filing.

1086. The Robbinses have owned their property since 2002. The property consists of 15 acres located along the Tittabawassee River and contained a four-bedroom home, horse pen with an animal house, cow pasture with an animal house, and a tack shed containing supplies for the Robbinses' horses and cows.

1087. The flooding on May 19, 2020 caused the Tittabawassee River to back up and flood the ditch behind the Robbinses' property, the backyard, and the animal pens and shed with approximately 2-3 feet of water, destroying the pens. The flooding destroyed various supplies including but not limited to hay, saddles, blankets, ropes, halters, feed, grain, barrels, medicine, fly spray, oats, water heaters, water barrels, and electric fences.

1088. In addition to the damage to their property, the Robbinses have suffered a loss of the use and enjoyment of their property and a loss of actual value to their property.

Roehm, Tammy Joe

1089. Plaintiff Tammy Roehm is a resident of Saginaw, Michigan and the owner of a parcel of real property located at 6965 Wallace Drive.

1090. Ms. Roehm has owned her property since 1989. The property is located along the Tittabawassee River and contains a 1000-square-foot one-story ranch-style home constructed of a wood frame with vinyl siding. Ms. Roehm also maintained two sheds and a two-and-a-half-car garage on her property.

1091. The flooding on May 19, 2020 caused three feet of water to flood the main floor of Ms. Roehm's home. The home's crawl space was also completely flooded. Ms. Roehm was forced to leave her home, and all of her material possessions were destroyed. The home had to be completely gutted and remodeled.

1092. In addition to the damage to her property, Ms. Roehm has suffered a loss of the use and enjoyment of her property and a loss of actual value to her property.

Ross, James

1093. Plaintiff James Ross is a resident of Midland, Michigan and the owner of a parcel of real property located at 5824 Sturgeon Avenue.

1094. Mr. Ross has owned his property since 2018. The property is located in the City of Midland. He and his family live in a 2000-square-foot two-story home with a fully finished basement. The home is constructed of a wood frame with vinyl siding.

1095. The flooding on May 19, 2020 caused seven feet of water to flood the basement. Water surrounded Mr. Ross's home and entered the garage and back deck. The basement had to be completely gutted down to the brick foundation and rebuilt. The flooding damaged or destroyed numerous items and fixtures, including but not limited to a furnace, water heater, central air unit, electrical panel, tools, clothing, televisions, exercise equipment, bathroom fixtures, flooring, drywall, light fixtures, doors, stud walls, shelving, and the basement stairs.

1096. In addition to the damage to his property, Mr. Ross has suffered a loss of the use and enjoyment of his property and a loss of actual value to his property.

Rouhib, Kellie

1097. Plaintiff, Kellie Rouhib, is a resident of Sanford, Michigan and the owner of a parcel of real property located at 2777 North Little Canal Drive.

1098. Ms. Rouhib has owned her property since 2016. The property is located on a peninsula near the south-east end of Sanford Lake with 105 feet of lake frontage and 100 feet of canal frontage. Ms. Rouhib lives in a 3826-square-foot home with a three-and-a-half-car garage. The home is constructed of a redwood exterior on a wood foundation with a crawl space. The home also has a tigerwood deck and the property had a dock and boat hoist.

1099. The flooding on May 19, 2020 caused 4-6 feet of water to flood the entire first floor of Ms. Rouhib's home, including the garage. Ms. Rouhib was forced to leave her home and stay in a hotel for several weeks; and then rent an apartment until her home was habitable again. All of the contents and structures of the first floor of the home were destroyed by the flooding. All of the home's drywall, flooring, appliances, cabinets, furniture, and other contents were disposed of due to possible contamination by floodwaters. The flooding also damaged a 2006 convertible Mercedes vehicle owned by a friend who stored the car in Ms. Rouhib's garage.

1100. In addition to the damage to her property, Ms. Rouhib has suffered a loss of the use and enjoyment of her property and a loss of actual value to her

property. Just prior to the flooding that occurred on May 19, 2020, Ms. Rouhib had decided to put her home up for sale so that she could move down south to be with her children, one of whom recently married. Ms. Rouhib was greatly looking forward to relocating so she could be with her family and her future grandchildren. However, due to the flooding and subsequent loss of value to the property, it is no longer financially viable for Ms. Rouhib to sell the property and relocate. Ms. Rouhib has felt compelled to stay in Sanford and has been robbed of the opportunity to move closer to her relatives.

Rushman, John

1101. Plaintiff John Rushman is a resident of Grand Rapids, Michigan and the owner of a parcel of real property located at 5707 Island Lane, Beaverton, Michigan. Mr. Rushman is an attorney. He lives with his wife and two young children.

1102. Mr. Rushman has owned his Beaverton property since 2017. The property is located on Wixom Lake with 80 feet of frontage. Mr. Rushman and his family enjoyed spending time at the Beaverton home, a single-story cabin constructed of a wood frame with vinyl siding. Mr. Rushman also maintained a shed and water pump house on the property.

1103. The flooding on May 19, 2020 caused water to rise approximately seven feet, reaching three feet above the floor level of the house. The flooding destroyed all of the contents of the cabin and the interior of its structure.

1104. In addition to the damage to his property, Mr. Rushman and his family have suffered a loss of the use and enjoyment of the waterfront property and a loss of actual value to the property.

Russian, Charles and Reushan

1105. Plaintiffs, Charles and Reushan Russian, are residents of Sanford, Michigan and the owners of a parcel of real property located at 2805 Lakeview Drive, as well as two lots adjacent to that parcel. The Russians are both retired educators.

1106. The Russians purchased their property at 2805 Lakeview Drive and the lot directly behind it in 1987; they then purchased the lot next to their home in approximately 2016 or 2017. Their properties are located between Sanford Lake and one of the lake's channels, with frontage behind their home and around the two lots. They reside in a bi-level home constructed of cedar wood, with floor-to-ceiling windows.

1107. The flooding on May 19, 2020 caused approximately 36 inches of water to flood the lower level of the Russians' home, destroying nearly all of its contents. Bedroom furniture, clothing, and other household items were ruined.

All of the carpeting, windows, and door required replacement. The cabinetry in the bathroom and bar area were destroyed, and four feet of drywall and insulation had to be removed and replaced. The Russians also had to replace household appliances including a furnace and hot water heater. The lake is now dry, and the lakefront view has disappeared.

1108. In addition to the damage to their property, the Russians have suffered a loss of the use and enjoyment of their property, and a loss of actual value to the property.

Samson, Dale and Roberta

1109. Plaintiffs, Dale and Roberta Samson, are residents of Sanford, Michigan and the owners of a parcel of real property located at 2846 North Lakeview Drive. The Samsons are both retired.

1110. The Samsons have owned their property since 1987. They reside in a bilevel home constructed of a wood frame with vinyl siding with an attached garage. They enjoyed an easement providing access to the lake across the road; their home was approximately 300 feet from the lakefront.

1111. The flooding on May 19, 2020 caused approximately four feet of water to enter the Samsons' home and eight feet of water to completely flood the Samsons' basement and garage. Their home is still standing, but all of the

inside paneling, drywall, and all of the contents of their home have been destroyed.

1112. In addition to the damage to their property, the Samsons have suffered a loss of the use and enjoyment of their property and a loss of actual value to their property.

Schaffner, Walter and Deborah

1113. Plaintiffs, Walter and Deborah Schaffner, are residents of Clinton Township, Michigan and the owners of a parcel of real property located at 5522 North Merry Court, Sanford, Michigan.

1114. The Schaffners have owned their Sanford property since 2017. The property is located on Sanford Lake with 65 feet of frontage. The Schaffners enjoyed a 912-square-foot single-story cottage, constructed of a wood frame and vinyl siding, with a crawl space, two decks, a permanent awning, and a detached three-car garage.

1115. The flooding on May 19, 2020 caused water to completely flood the crawl space and main floor of the Schaffners' home with approximately four feet of water. The structure of the home is still standing, but all of its contents were destroyed. Four feet of drywall was cut out and insulation flooring, carpeting, and all furniture had to be removed and discarded. The furnace and all of the duct work in the home had to be replaced. The Schaffners lost

numerous personal items including but not limited to cabinets, beds, mattresses, a crib, and a bathroom vanity. In addition, the flooding washed away the Schaffners' canoe and fishing boat. The Schaffners have been forced to reside in their travel trailer.

1116. In addition to the damage to their property, the Schaffners have suffered a loss of the use and enjoyment of their property and a loss of actual value to their property.

Schaller, Michael and Dawn

1117. Plaintiffs Michael and Dawn Schaller are residents of Clarkston, Michigan and the owners of six parcels of real property located on McKimmy Drive in Beaverton, Michigan: 1145 McKimmy Drive; Lot No. 150-120-000-002-00 ("Lot 002"); Lot No. 150-120-000-003-00 ("Lot 003"); Lot No. 150-120-000-004-00 ("Lot 004"); Lot No. 150-120-000-045-00 ("Lot 045"); Lot No. 150-120-000-046-00 ("Lot 046"); and Lot No. 150-120-000-047-000 ("Lot 047") located in the Holiday Shores subdivision of Tobacco Township.

1118. The Schallers purchased Lot 002, Lot 003, and Lot 004 in 1991. Lot 002, Lot 003, and Lot 004 sit along the Tobacco River with 64 feet of frontage each. The Schallers have improved and landscaped the vacant lot and maintain a steel seawall along the river.

1119. The Schallers purchased Lot 045, Lot 046, and Lot 047 in 1991. Lot 045, Lot 046, and Lot 047, each an improved vacant lot, have access to a boat ramp on the Tobacco River via an easement in the Holiday Shores subdivision.

1120. The Schallers purchased the property at 1145 McKimmy Drive in 1991. The McKimmy Drive property is located on the Tobacco River with 64 feet of frontage. The Schallers had a year-round home constructed of a wood frame and vinyl siding, used as a cottage, with a walkout basement constructed of cinder blocks. The McKimmy Drive property also had a barn-shaped two-story two-car garage with a storage area accessible via a deck overlooking the Tobacco River.

1121. The flooding on May 19, 2020 caused water to rise two feet over the seawalls of the Lot 002, Lot 003, Lot 004, and 1145 McKimmy Drive properties, causing damage to the seawalls. The flooding and subsequent recession of water caused the Tobacco River to go dry.

1122. In addition to the damage to their property, the Schallers have suffered the loss of use and enjoyment of their riverfront properties and have suffered a loss of actual value to their properties.

Schmidt, Roger

1123. Plaintiff Roger Schmidt is a resident of East Greenville, Pennsylvania and the owner of a parcel of real property located at 2985 Lakeview Drive, Sanford, Michigan.

1124. Mr. Schmidt received his property in 2002 as a gift from his parents, who had purchased the property in 1958. The property is located on Sanford Lake with 110 feet of frontage. The property had a ranch-style three-bedroom cabin constructed of a wood frame with vinyl siding. There was also a shed on the property.

1125. The flooding on May 19, 2020 caused approximately 8.5 feet of water to flood the cabin. All of the cabin's contents were destroyed. The cabin's interior paneled walls, insulation, carpeting, and subfloors had to be removed, discarded, and replaced. Mr. Schmidt and his family lost numerous personal items, including but not limited to mattresses and beds, the dishwasher, a sofa sleeper, a marble-top coffee table, an antique tea cart, lamps, chairs, benches, storage cabinets, bookshelves, rare and collectible antique cookbooks, dressers, all of their clothing, the refrigerator, water heater, stove, furnace, a sewing machine, yard tools, children's games, and fishing equipment and supplies. As of the date of this filing, Mr. Schmidt has been unable to assess the damage to his sailboat and pontoon boat.

1126. In addition to the damage to his property, Mr. Schmidt has suffered a loss of the use and enjoyment of the property and a loss of actual value to his property.

Schneider, Ron and Denise

1127. Plaintiffs Ron and Denise Schneider are residents of Midland, Michigan and the owners of a parcel of real property located at 5324 Stony Creek Drive.

1128. The Schneiders have owned their property since 2010. They reside in a home constructed of brick and vinyl with an exterior wood frame. They also maintain a shed on their property.

1129. The flooding on May 19, 2020 caused the Schneiders' basement to become completely flooded and fourteen inches of water to flood the main floor of the home. All of the contents of the basement and main floor were destroyed. The basement and main floor's family room, laundry room, and bedroom had to be gutted and emptied. The flooding also caused significant damage to a 1955 Thunderbird vehicle that was in the garage.

1130. In addition to the damage to their property, the Schneiders have suffered a loss of the use and enjoyment of their property and a loss of actual value to their property.

Schnettler, Dennis and Mary

1131. Plaintiffs, Dennis and Mary Schnettler, are residents of Sanford, Michigan and the owners of a parcel of real property located at 5092 North Lake Sanford Road. The Schnettlers are both retired.

1132. The Schnettlers have owned their property since 1984. Their property is located on Sanford Lake with approximately 110 feet of frontage. The Schnettlers reside in a 2200-square-foot bi-level home constructed of wood with a walkout basement. They also maintained a pole barn, docks, fire pit, and sea wall on their property.

1133. The flooding on May 19, 2020 caused water to destroy the Schnettlers' well and sea wall as well as their connection to the city water system.

1134. In addition to the damage to their property, the Schnettlers have suffered a loss of the use and enjoyment of their property and a loss of actual value to their property.

Schumacher, Jared

1135. Plaintiff Jared Schumacher and Christina Schumacher, are residents of Midland, Michigan and the owners of a parcel of real property located at 5209 Hallisy Court. Mr. and Mrs. Schumacher live in Midland with their two infant children.

1136. The Schumachers have owned their property since 2019. Their property is located near the Tittabawassee River.

1137. The flooding on May 19, 2020 caused the Schumachers' basement to become completely flooded and three feet of water to flood the first floor of the home. All of the contents of the home were destroyed, and the inside of the structure had to be gutted and rebuilt. The Schumachers were forced to evacuate their home and stay with family members.

1138. In addition to the damage to their property, the Schumachers have suffered a loss of the use and enjoyment of their property and a loss of actual value to their property.

Schumacher, John

1139. Plaintiff, John Schumacher, is a resident of Sanford, Michigan and the owner of a parcel of real property located at 956 West Blueridge Drive. Mr. Schumacher is a small business owner; he owns and operates a golf course.

1140. Mr. Schumacher has owned his property since 2013. His home is located on Sanford Lake with approximately 170 feet of frontage. Mr. Schumacher and his family live in a 3600-square-foot home with a walkout basement.

1141. The flooding on May 19, 2020 caused floodwaters to surge over the seawall on Mr. Schumacher's property, destroying Mr. Schumacher's deck, dock, boat hoist, and pontoon boat.

1142. In addition to the damage to his property, Mr. Schumacher has suffered a loss of use and enjoyment of his lakefront property and a loss of actual value to his property.

Schwager, Lisa

1143. Plaintiff, Lisa Schwager, is a resident of Midland, Michigan and the owner of a parcel of real property located at 6013 Sturgeon Avenue. Ms. Schwager lives with her two sons, one of whom is disabled.

1144. Ms. Schwager has owned her property since 2018. The property sits along Sturgeon Creek. The Schwagers live in a two-story home constructed of a wood frame and vinyl siding with a partially finished cinderblock basement. There is also a tool shed on the property.

1145. The flooding on May 19, 2020 caused Ms. Schwager's tool shed and basement to become flooded. All of the contents of the basement were destroyed, and the basement had to be completely gutted down to the studs. Ms. Schwager was forced to leave her home for nearly two weeks. She lost numerous appliances and personal items including but not limited to a washer and dryer, hot water heater, furnace, dehumidifier, desk and shelving unit,

television, sofa, computer, desk, table and chairs, Christmas items, a ping-pong table, and boxes of clothing and personal items.

1146. In addition to the damage to her property, Ms. Schwager has suffered a loss of the use and enjoyment of her property and a loss of actual value to her property.

Seibel, William and Suzanne

1147. Plaintiffs, William and Suzanne Seibel, are residents of Beaverton, Michigan and the owners of a parcel of real property located at 5451 Oakridge Drive.

1148. The Seibels have owned their property since 2012. Their property is located on Wixom Lake with approximately 65 feet of frontage. The Seibels live in a single-family home constructed of cement blocks with vinyl siding. They also maintain a steel seawall and dock on Wixom Lake and a detached garage, shed, deck, and boat hoist on the property.

1149. The flooding on May 19, 2020 caused water to rise over the seawall, completely flooding the crawl space of the Seibels' home, and flooding the first floor of the home with approximately three feet of water. The septic drain field system was also compromised. The Seibels were forced to leave their home and stay with their son in Saginaw, Michigan.

1150. The Seibels estimate that the vast majority of the contents of their home have been destroyed. The interior of the structure had to be gutted and rebuilt including flooring, drywall, and insulation.

1151. In addition to the damage to their property, the Seibels have suffered a loss of the use and enjoyment of their property and a loss of actual value to their property.

Shangle, Connie

1152. Plaintiff Connie Shangle and Mike Shangle are residents of Beaverton, Michigan and the owners of a parcel of real property located at 5406 Mallard Court.

1153. The Shangles have owned their property since 2016. The property is located on the Wixom Lake Canal, which surrounds the home with approximately 360 feet of frontage. The Shangles live in a modular home and maintain an unattached garage and shed on the property.

1154. The flooding on May 19, 2020 caused four feet of water to flood the crawl space and reach the main floor. All of the items stored in the crawl space were destroyed, including blankets, computers, and irreplaceable personal items such as family photos. The Shangles' furnace and water heater were also destroyed. The structure of the home is still standing, but damaged.

1155. In addition to the damage to their home and loss of its contents, the Shangles have suffered a loss of the use and enjoyment of their property and a loss of actual value to their property.

Sickenberger, Lori

1156. Plaintiff Lori Sickenberger is a resident of East Greenville, Pennsylvania and the owner of a parcel of real property located at 2883 North Lakeview Drive, Sanford, Michigan.

1157. Ms. Sickenberger purchased her property in July 2020 after beginning discussions with the prior owners in October 2019. The property is located on Sanford Lake with approximately 95 feet of frontage. The property has a ranch-style three-bedroom home constructed of a wood frame and vinyl siding with a full walkout deck. There is also a dock and seawall on the lake, and a two-car detached garage and woodshed on the property.

1158. The flooding on May 19, 2020 caused at least seven feet of water to flood the home. Numerous structures and fixtures including but not limited to the central heat and air system, all kitchen appliances, flooring, electrical wiring were destroyed. The garage door was damaged, and the dock was destroyed. Ms. Sickenberger has no choice but to demolish and rebuild the home. She has selflessly delayed repairs to her own property so that her neighbors may have a chance to obtain contractors and supplies before her.

1159. In addition to the damage to her property, Ms. Sickenberger has suffered a loss of the use and enjoyment of their property and a loss of actual value to her property.

Sieviewright, Robert and Joanne

1160. Plaintiffs, Robert and Joanne Sieviewright, are residents of Midland, Michigan and the owners of a parcel of real property located at 3410 Pine Grove Drive. The Sieviewrights are small business owners.

1161. The Sieviewrights have owned their property since 2017. They owned and resided in a condominium with a finished basement and a loft.

1162. The flooding on May 19, 2020 caused water to completely flood the Sieviewrights' finished basement. Approximately three to four feet of water flooded the first floor of the home and did not recede for several days. All of the contents of the basement and first floor were destroyed, including all of the fixtures and appliances in their newly remodeled kitchen, along with the Sieviewrights' two cars. The Sieviewrights were forced to leave their home and live in a basement. Their condominium association later voted to sell the property.

1163. In addition to the damage to their property, the Sieviewrights have suffered a loss of the use and enjoyment of their property and a loss of actual value to their property.

Sirrine, Phyllis

1164. Plaintiff, Phyllis Sirrine, is a resident of Midland, Michigan and the owner of a parcel of real property located at 3211 Abigail Lane. Ms. Sirrine is retired and, as of the date of this filing, is 89 years old and lives alone.

1165. Ms. Sirrine has owned her property since 1989. The property is located near Sturgeon Creek and the Walden Woods. Ms. Sirrine resides in a three-bedroom ranch-style home constructed of vinyl and brick with a garden shed on the property.

1166. The flooding on May 19, 2020 caused water to completely flood the basement of Ms. Sirrine's home up to the ceiling and three feet of water to fill the main floor. All of the contents of the basement were destroyed, including but not limited to furniture and bathroom fixtures. Ms. Sirrine has had to replace items and components of her home including the drywall, windows, generator, air conditioning unit, and other appliances, as well as incurring the costs of cleaning out the floodwater, mud, and debris.

1167. In addition to the damage to her property, Ms. Sirrine has suffered a loss of the use and enjoyment of her property and a loss of actual value to her property.

Slater, Charles

1168. Plaintiff, Charles Slater, is a resident of Sanford, Michigan and the owner of a parcel of real property located at 947 West Telegraph Road.

1169. Mr. Slater has owned his property since 2016. The property is located on the Tittabawassee River with approximately 50 yards of frontage. Mr. Slater also maintained a tool shed and well house on his property in addition to his home.

1170. The flooding on May 19, 2020 caused several inches of water to flood Mr. Slater's home and caused damage to Mr. Slater's well and the loss of two kayaks, his well pump, and a bladder tank.

1171. In addition to the damage to his property, Mr. Slater has suffered a loss of the use and enjoyment of the property and a loss of actual value to his property.

Smetanka, William and Julia

1172. Plaintiffs Julia and William Smetanka are residents of Shelby Township, Michigan and the owners of a parcel of real property located at 5371 Oakridge Drive, Beaverton, Michigan.

1173. The Smetankas have owned their property since 2013. The property is located on Wixom Lake with approximately 60 feet of frontage on the Tobacco River side and water access approximately 50 feet from the home

on the other side. The Smetankas live in a 1000-square-foot home constructed of a wood frame, vinyl siding, and brick trim with a cement patio and wood deck, crawl space, and two-car garage. The Smetankas also maintained a shed, dock, and pontoon boat hoist on the property.

1174. The flooding on May 19, 2020 caused approximately nine inches of water to flood the Smetankas' home, completely flooding the crawl space. Numerous contents of the Smetankas' home were destroyed. While the home was once the Smetankas' "happy place," it has now become a source of anxiety and depression as they struggle to rebuild.

1175. In addition to the damage to their property, the Smetankas have suffered a loss of the use and enjoyment of the property and a loss of actual value to their property.

Smith, Dean and Kay

1176. Plaintiffs, Dean and Kay Smith, are residents of Hope, Michigan and the owners of a parcel of real property located at 135 East Lakeshore Drive.

1177. The Smiths have owned their property since 2001. The property is located on the Wixom Lake Canal with 140 feet of frontage. They live in a 2100-square-foot home constructed of a wood frame with vinyl siding and two decks. The Smiths also maintain a detached garage, pole barn, and two boat docks on the property.

1178. The flooding on May 19, 2020 caused the water in the canal to rise approximately twelve feet. The Smiths repaired the damage to their home and property themselves. They have suffered a loss of use and enjoyment of their waterfront property and a loss of actual value to their property.

Smith, Susan

1179. Plaintiff Susan Smith is a resident of Burt, Michigan and the owner of a parcel of real property located at 1880 Huntington Road, Saginaw, Michigan.

1180. Ms. Smith has owned her property since 2018. The property is located near the Saginaw River. Ms. Smith leases her 1400-square-foot two-story single-family home, which has a deck and porch, out to renters. She also maintains a detached garage on the property.

1181. The flooding on May 19, 2020 caused approximately 22 inches of water to flood Ms. Smith's crawl space and reach the floor boards underneath the house. The back deck and front porch were both severely damaged, and the house settled into mud after the water receded. The home's siding, duct work, and insulation were damaged.

1182. In addition to the damage to her home and loss of its contents, Ms. Smith has suffered a loss of the use and enjoyment of the property, a loss of actual value to her property, and a loss of rental income.

Snyder, Marc and Joan

1183. Plaintiffs, Marc Snyder and Joan Snyder, are residents of Sanford, Michigan and the owner of a parcel of real property located at 2813 North Lakeview Drive.

1184. The Snyders have owned the property since 1998. The property is located on Sanford Lake along the “first cut” canal with approximately 200 feet of frontage. Mr. Snyder and his wife, Joan, reside in a bilevel home with a walkout lower level and attached garage. The home is constructed of a wood frame with synthetic stucco and vinyl siding. Mr. Snyder also maintained a finished and furnished stained-glass studio and a tool shed on the property.

1185. The flooding on May 19, 2020 caused approximately twelve feet of water to completely flood the lower level of Mr. Snyder’s home and reach two feet into the upper level. The lower level of the home had to be completely gutted and rebuilt. The drywall, carpet, HVAC system, electrical system, and other structural components required replacement. All of the furnishings of the living room, two bedrooms, bathroom, home office, and utility room were destroyed, including irreplaceable personal items. The contents of the tool shed were damaged, as were the contents and structure of the stained-glass studio.

1186. In addition to the damage to his property, the Snyders have suffered a loss of the use and enjoyment of the property and a loss of actual value to his property.

Sophiea, Robert

1187. Plaintiff, Robert Sophiea, is a resident of Midland, Michigan and the owner of a parcel of real property located at 3327 Rivercrest Court.

1188. Mr. Sophiea has owned his property since 2016. The property is located along the bank of the Chippewa River with 90 feet of frontage. The property contains a 1000-square-foot brick home with a wood frame. Mr. Sophiea's 91-year-old mother, Norma, lived on the property.

1189. The flooding on May 19, 2020 caused two feet of water to surround the house and seven feet of water to completely flood the home's basement. The contents of the basement were destroyed and numerous items and structural components had to be replaced including the furnace, air conditioning unit, water heater, washer, dryer, and electrical box. Mr. Sophiea's lawn equipment, including a log splitter, compressor, chainsaw, and leaf chipper were destroyed. Norma Sophiea was forced to evacuate and stay with her daughter.

1190. In addition to the damage to their home and loss of its contents, Mr. Sophiea has suffered a loss of the use and enjoyment of the property and a loss of actual value to his property.

Stearns, Wilbur and Carol

1191. Plaintiffs, Wilbur and Carol Stearns, are residents of Beaverton, Michigan and the owners of a parcel of real property located at 259 Bruce Road. The Stearns are both retired.

1192. The Stearns have owned their property since 2015. The property is located on a canal off Wixom Lake with approximately 122 feet of frontage and a seawall. After purchasing their property, the Stearns added a new back entrance, garage doors, seawall, fenced yard, and new appliances to their home, which is approximately 1400 square feet and constructed of a wood frame with vinyl siding. The home also has a large deck overlooking Wixom Lake, a 2.5-car garage, and a covered dog shelter.

1193. The flooding on May 19, 2020 caused approximately 2-4 feet of water to flood the Stearns' home. The entire home had to be gutted and rebuilt. Appliances, flooring, insulation, and drywall had to be replaced, and the Stearns lost most of their material possessions including clothing and furniture. The Stearns also lost a riding mower and golf carts. The repairs to their home are still not complete as of the date of this filing.

1194. In addition to the damage to their property, the Stearns have suffered the loss of the use and enjoyment of their property and a loss of actual value to their property. It was their dream to retire on Wixom Lake among their

family, with their grandchildren able to visit and enjoy the lakeside recreation; that dream has been destroyed.

Stone, James

1195. Plaintiffs James Stone and Darla Stone are residents of Birch Run, Michigan and the owners of a parcel of real property located at 263 Bruce Road, Beaverton, Michigan.

1196. The Stones have owned their property since 2010. The property is located on the Tittabawassee River with 150 feet of frontage. The property contains a main home, a guest cabin, a garage, a dock, a pontoon lift, a boat lift, and two watercraft lifts.

1197. The flooding on May 19, 2020 caused approximately 36 inches of water to flood the garage and guest cabin and 6 inches of water to flood the main home. Structural components of the home including drywall, doors, woodwork, cabinets were damaged.

1198. In addition to the damage to their property, the Stones have suffered a loss of the use and enjoyment of the property and a loss of actual value to the property.

Stover, Raymond and Rosemary

1199. Plaintiffs, Raymond and Rosemary Stover, are residents of Midland, Michigan and the owners of a parcel of real property located at 3023 Scarborough Lane.

1200. The Stovers purchased the property in 2013. The Stovers live in a bilevel home with a wood frame and a fully finished lower level in the City of Midland.

1201. The flooding on May 19, 2020 caused a severe sewer backup that reached the Stovers' home and completely destroyed approximately 80% of the contents of the home's lower level.

1202. In addition to the damage to their property, the Stovers have suffered a loss of the use and enjoyment of the property and a loss of actual value to the property.

Stoyanoff, Michael

1203. Plaintiff Michael Stoyanoff is a resident of Clarkston, Michigan and the owner of a parcel of real property located at 5770 Island Lane, Beaverton, Michigan, 48612. Mr. Stoyanoff resides with his wife and two young children.

1204. Mr. Stoyanoff has owned his property since 2011. He and his family enjoyed visiting the property, which included an 800-square-foot home constructed of a cinderblock foundation with a wood frame and vinyl siding with 150 feet of lake and canal frontage.

1205. The flooding on May 19, 2020 caused water to completely flood the crawlspace of Mr. Stoyanoff's home and three feet of water to flood the home's main floor. All of the home's contents were destroyed, and the interior of the home had to be gutted and rebuilt. The floodwater also damaged Mr. Stoyanoff's boat, a 2016 Southbay pontoon boat.

1206. In addition to the damage to his property, Mr. Stoyanoff has suffered a loss of the use and enjoyment of his property and a loss of actual value to his property.

Surprenant, Dave and Diane

1207. Plaintiffs Dave and Diane Surprenant are residents of Sanford, Michigan and the owners of a parcel of real property located at 3972 North Water Road.

1208. The Surprenants have owned their property since 1996. The property is located on Sanford Lake with 125 feet of frontage. The Surprenants live in a two-story home constructed of a wood frame with vinyl siding. They also maintain a pole barn, shed, and dock on the property.

1209. The flooding on May 19, 2020 caused water to flood the Surprenants' utility room, attached garage, pole barn, and crawl space. The drywall and insulation in the utility room and garage had to be removed and replaced, along with doors, cabinets, the home's siding, and any contents that

came into contact with water. The Surprenants' boat and cars, a 1994 Mustang convertible and a 2010 Dodge Avenger, were also damaged.

1210. In addition to the damage to their property, the Surprenants have suffered a loss of the use and enjoyment of the property and a loss of actual value to their property.

Swantek, Michelle and Smith, Phil

1211. Plaintiffs, Michelle Swantek and Phil Smith, are residents of Bay City, Michigan and the owner of a parcel of real property located at 4912 Sturgeon Avenue, Midland, Michigan.

1212. Plaintiffs have owned her property since approximately 2011 or 2012. The property is located on Sturgeon Road directly across from Sturgeon Creek. Ms. Swantek and her family maintained a ranch-style home with a basement and a tool shed on the property.

1213. The flooding on May 19, 2020 caused water to completely flood Plaintiffs' basement and fourteen inches of water to flood the main floor. Ms. Swantek and her family were forced to leave their home and relocate to Bay City. The vast majority of the contents of the home were lost, and structural components such as drywall and insulation had to be removed and replaced.

1214. In addition to the damage to her property, Plaintiffs have suffered a loss of the use and enjoyment of the property and a loss of actual value to the property.

Szornyi, Andrew

1215. Plaintiff Andrew Szornyi is a resident of St. Joseph, Michigan and the owner of a parcel of real property located at 5225 North Fox Road, Sanford, Michigan.

1216. Mr. Szornyi has owned his property since 2002. The property is located on Sanford Lake with 148 feet of frontage. The property had a 1176-square-foot, three-bedroom home constructed of a wood frame with vinyl siding and a cinderblock foundation, with a crawl space and wraparound deck. The property also had a detached garage.

1217. The flooding on May 19, 2020 caused two feet of water to flood the main floor of Mr. Szornyi's home and three feet of water to flood the garage. The majority of the foundation of the home was washed away and the remaining foundation and flooring are warped and sunken. All of the utilities in the home were destroyed, including the heater, air conditioning unit, electrical wiring, plumbing, and water pump and softener. The interior of the home had to be gutted and rebuilt, with the bottom two feet of drywall and insulation removed

and replaced. Furniture, tools, books, and appliances were destroyed and Mr. Szornyi's two cars were damaged.

1218. In addition to the damage to his property, Mr. Szornyi has suffered a loss of the use and enjoyment of the property and a loss of actual value to his property.

Teague, Karen and Tom

1219. Plaintiffs Tom and Karen Teague are residents of Midland, Michigan and the owners of a parcel of real property located at 1416 Vance Road.

1220. The Teagues have owned their property since 2014. The property is located on the Tittabawassee River with 653 feet of frontage. The Teagues lived in a mid-century modern-style 1800-square-foot home with a full basement and screened-in porch.

1221. The flooding on May 19, 2020 caused water to completely flood the Teagues' basement and three feet of water to flood the first floor. The basement caved in and all of its contents were destroyed. Any items that came in contact with water on the first floor had to be discarded. The Teagues' home was damaged beyond repair and was demolished. Their vehicle, a 2016 Toyota Avalon, was also damaged.

1222. In addition to the damage to their property, the Teagues have suffered a loss of use and enjoyment of their property and a loss of actual value to their property.

Terwilliger, Rick and Satkowiak, Cathy

1223. Plaintiffs Rick Terwilliger and Cathy Satkowiak, are residents of Sanford, Michigan and the owner of a parcel of real property located at 3845 North Bailey Road.

1224. Plaintiffs have owned their property since 2004. They are both retired. The property is located on Sanford Lake with 105 feet of frontage. The property had a tri-level single family home constructed of a wood frame with vinyl siding and brick, a wooden shed, a suncast shed, docks, a deck, and boat lifts.

1225. The flooding on May 19, 2020 caused the water level to rise approximately 10-12 feet above the normal level, damaging the shed, four docks, and the property's irrigation system and destroying all of the contents of the shed, a raft, and a jet ski lift.

1226. In addition to the damage to the property, Plaintiffs have suffered the loss of use and enjoyment of the waterfront property and a loss of actual value to the property.

Thomas, Amy Jo and Jason

1227. Plaintiffs, Amy and Jason Thomas, are residents of Midland, Michigan and the owner of a parcel of real property located at 3208 West Sugnet Road.

1228. The Thomases live with their three children. The property is located on Sturgeon Creek. The Thomases lived in an 1800-square-foot home constructed of a wood frame with aluminum siding.

1229. The flooding on May 19, 2020 caused seven feet of water to flood the Thomas' home. Plaintiffs were forced to leave their home, which was so severely damaged that it had to be destroyed down to the studs in order to rebuild. The Thomases' three vehicles were also destroyed.

1230. In addition to the damage to her property, the Thomas family has suffered a loss of the use and enjoyment of the property and a loss of actual value to her property.

Thrush, Linda and Robert

1231. Plaintiffs Linda and Robert Thrush are residents of Midland, Michigan and the owners of a parcel of real property located at 3005 Joanne Street.

1232. The Thrushes have owned the property since 1998. The property is located in the City of Midland. The Thrushes reside in a tri-level single-family

home constructed of a wood frame with aluminum siding with a basement. They operate a small business selling antique and collectible items.

1233. The flooding on May 19, 2020 caused water to completely flood the basement of the Thrushes' home and 3-4 feet of water to flood the main level. The Thrushes were forced to leave the home and live with a daughter for weeks. Both floors of her home and the garage had to be gutted down to the studs and rebuilt, and all cabinets, doors, and other such fixtures and components had to be replaced. All of the contents of the home were destroyed.

1234. In addition to the damage to her property, the Thrushes suffered a loss of the use and enjoyment of the property and a loss of actual value to her property.

Timm, Michael

1235. Plaintiff, Michael Timm, is a resident of Saginaw, Michigan and the owner of a parcel of real property located at 3250 Sherwood Street. Mr. Timm is a chef; he resides with his wife, Charlene Thompson, who is a retired teacher.

1236. Mr. Timm has owned his property since 2016. The property is located near the Tittabawassee River. Mr. Timm owns one-third of an acre of land, upon which sits a 1460-square-foot three-bedroom home constructed of brick and wood with a finished basement, deck, patio, garage, and a tool shed.

1237. The flooding on May 19, 2020 caused floodwater to cover Mr. Timm's property, destroying his brick paver patio and damaging the tool shed and garage as well as his yard and landscaping.

1238. In addition to the damage to his property, Mr. Timm has suffered a loss of the use and enjoyment of the property and a loss of actual value to his property.

Todd, James

1239. Plaintiff, James Todd, is a resident of Beaverton, Michigan and the owner of a parcel of real property located at 2600 S. Whitney Beach. Mr. Todd is retired.

1240. Mr. Todd has owned his property since 2000. The property is located on the Tittabawassee River with approximately 75 feet of frontage. Mr. Todd resides in a 2-bedroom cottage. He also maintained a tool shed, cabana, and dock on their property.

1241. The flooding of May 19, 2020 caused five feet of water to flood the basement of Mr. Todd's home. Contents of the basement, including the furnace, were destroyed. The floodwater also destroyed the dock on the river, washed away Mr. Todd's row boat, and severely damaged the cabana.

1242. In addition to the damage to his property, Mr. Todd has suffered the loss of the use and enjoyment of his property and a loss of actual value to his property.

Tripp, Troy

1243. Plaintiff Troy Tripp is a resident of Sanford, Michigan and the owner of a parcel of real property located at 304 Cass Street. Mr. Tripp is a mason and his wife, Melissa Tripp, is a healthcare worker.

1244. The Tripps have owned their property since 2010. The property is located in the Village of Sanford. The Tripps reside in a 1500-square-foot modular home with a garage and a shed on their property.

1245. The flooding on May 19, 2020 caused over four feet of water to flood the Tripps' garage and approximately nineteen inches of water to flood the Tripps' home. The floodwater destroyed most of the contents of the Tripps' home, and the drywall had to be repaired. The water also damaged the Tripps' cars, a 2000 Saab convertible and a 1985 Jeep. Mr. Tripp and his family had to rent an RV and live in it for approximately one month.

1246. In addition to the damage to his property, Mr. Tripp has suffered the loss of the use and enjoyment of his property and a loss of actual value to his property.

Trosko, William

1247. Plaintiff, William Trosko, is a resident of Flushing, Michigan and the owner of a parcel of real property located at 753 Edenville Lake Road, Hope, Michigan, 48628. Mr. Trosko is a psychologist and Mrs. Trosko is an accountant. They live with their son, Joseph.

1248. The Troskos have owned their Hope, Michigan property since approximately 1995. The property is located on Wixom Lake with approximately 180 feet of frontage. The Troskos built their cedar log home intending for it to be their retirement home. Their home has a finished basement and a wrap-around porch overlooking Wixom Lake.

1249. As a result of the flooding on May 19, 2020, there is no longer water in Wixom Lake. The Troskos have suffered a loss of the use and enjoyment of their lakefront property and a loss of actual value to their property.

Trudell, Anne

1250. Plaintiff Anne Trudell is a resident of Midland, Michigan and the renter of a home located at 3104 Isabella Street. Ms. Trudell is employed by Dow Chemical.

1251. Ms. Trudell has rented her home in Midland since 2014. Her three-bedroom, two-bath brick townhome is located near the Tittabawassee River.

1252. The flooding on May 19, 2020 caused water to flood the basement and first floor of Ms. Trudell's home, forcing Ms. Trudell to evacuate and stay with family. Floodwaters destroyed Ms. Trudell's deep freezer, washer and dryer, living room furniture, dining room furniture, and other items including but not limited to hundreds of dollars' worth of groceries.

1253. In addition to the damage to her property, Ms. Trudell has suffered a loss of the use and enjoyment of her property.

Turnbull, Brandon

1254. Plaintiff Brandon Turnbull is a resident of Saginaw, Michigan and the owner of a parcel of real property located at 44 Riverside Boulevard. Mr. Turnbull is a disabled veteran. He lives with his infant daughter.

1255. Mr. Turnbull has owned his property since 2017. The property is located on the Tittabawassee River with 3 acres of frontage. Mr. Turnbull resides in a stick-built cedar house with three additions, a garage, and three porches. Mr. Turnbull invested significant labor and resources on additions and customizations to his home, including a full bar, a library, three decks, and a dining nook.

1256. The flooding on May 19, 2020 caused approximately three feet of water to flood Mr. Turnbull's home. All of the contents of the home were destroyed, including cherished personal items belonging to Mr. Turnbull's

children. Mr. Turnbull was forced to live in a camper for some time before he was able to relocate to an apartment. Two vehicles, a 2007 Ford F-150 and a 2008 GMC Acadia, were also damaged.

1257. In addition to the damage to his home and loss of its contents, Mr. Turnbull has suffered a loss of the use and enjoyment of the property and a loss of actual value to his property.

Tworozynski, Michael and Kimberly

1258. Plaintiffs Michael and Kimberly Tworozynski are residents of Sanford, Michigan and the owners of a parcel of real property located at 2981 North Lakeview Drive.

1259. The Tworozynskis have owned their property since 2012. Their property is located on Sanford Lake with approximately 75 feet of frontage. They built their 1500-square-foot raised ranch-style home constructed of a wood frame with vinyl siding themselves so they could host their family on the lakefront property, which had once belonged to Mr. Tworozynski's grandfather. Mr. Tworozynski had grown up on the lake, visiting his grandparents in the summers, and then brought his own children up to the lake in the 1990s; his uncle gave him the property in 2012 so that he could carry on the tradition. The Tworozynskis planned to retire in their lakefront home with their family.

1260. The flooding on May 19, 2020 caused six feet of water to flood the lower walkout level of the Twarozynskis' home and two feet of water to flood the garage. The floodwaters destroyed the contents of the Twarozynskis' home and garage, including but not limited to appliances such as the HVAC system, generator, and water heater; all of the furniture and contents of three bedrooms; all of the fixtures and contents of two bathrooms; all of the furniture and contents of the family room, including computer equipment, a television and sound system, dining furniture and kitchen appliances, futons and couches, and books; and the tools and seasonal and recreational items stored in the garage. The Twarozynskis had to tear down their walkout basement down to the studs and rebuild and replace the electrical wiring, insulation, drywall, flooring, cabinets, doors, and windows. Further, Mr. Twarozynski suffered a heart attack in the aftermath of the flood.

1261. In addition to the damage to their property, the Twarozynskis have suffered a loss of the use and enjoyment of their property and a loss of actual value to their property.

Van Den Boom, Wayne and Esperanza

1262. Plaintiffs Wayne and Esperanza Van Den Boom are residents of Sanford, Michigan and the owners of a parcel of real property located at 2858 North Lakeview Drive.

1263. The Van Den Booms have owned the property since 2013. The property is located on Sanford Lake with approximately ten feet of shared water access. The Van Den Booms live in a ranch-style home with a cinderblock foundation and vinyl siding and a basement and garage. He also maintains a tool shed and deck on his property.

1264. The flooding on May 19, 2020 caused approximately six feet of water to completely flood the basement of the Mr. Van Den Boom home and reached the main floor. The finished basement and all of its contents were completely destroyed, including the washer, dryer, freezer, water heater, furnace, air conditioner, and boxes of personal items. Structural components and utilities including the walls and electrical wiring had to be replaced. The garage also sustained significant damage and tools and other contents of the shed and garage were lost.

1265. In addition to the damage to his property, the Van Den Booms have suffered a loss of use and enjoyment of his property and a loss of actual value to his property.

VanHorn, James and Debrah

1266. Plaintiffs, James and Debrah VanHorn, are residents of Beaverton, Michigan and the owners of a parcel of real property located at 2828 Whitney Beach Road. The VanHorns are both retired.

1267. The VanHorns have owned their property since 1977. Their property is located on the Tittabawassee River with approximately 112 feet of frontage. The VanHorns built their home themselves in 1977 and built an addition in 1997. Their home is constructed of a wood frame with vinyl siding, with a walkout basement. They also had two barns and a seawall on the property.

1268. The flooding on May 19, 2020 caused approximately 12 inches of water to flood the basement of the VanHorns' home and approximately 4 feet of water to flood the two barns. The finished basement was destroyed. Its carpeting and tile had to be removed and replaced; the walls had to be stripped down to the studs; and the paneling was removed. Mr. and Mrs. VanHorn performed all of the work themselves and, as of the date of this filing, are still not finished with the repairs to their home.

1269. In addition to the damage to their property, the VanHorns have suffered the loss of the use and enjoyment of their property and a loss of actual value to their property.

Vander Zouwen, Tom and Jill

1270. Plaintiffs Tom and Jill Vander Zouwen are residents of Midland, Michigan and the owners of a parcel of real property located at 2801 Gibson Street.

1271. The Vander Zouwens have owned their property since 1994. They reside with their children in a three-bedroom home with a partially finished basement and a two-car garage.

1272. The flooding on May 19, 2020 caused five feet of water to flood the basement of the Vander Zouwens' home, causing damage to the structure and destruction of many of the basement's contents. As a result, the entire basement had to be gutted and rebuilt.

1273. In addition to the damage to their property, the Vander Zouwens have suffered a loss of actual value to their property.

Vaydik, Frank and Mary Ellen

1274. Plaintiffs Frank and Mary Ellen Vaydik are residents of Saginaw, Michigan and the owners of a parcel of real property located at 7320 Shattuck Road.

1275. Mr. Vaydik and his wife, Mary Ellen, have owned their property since 1972. The property is located on a branch of the Tittabawassee River. The Vaydiks live in a three-level wood-sided and block home with a basement. They also maintain a tool shed on the property.

1276. The flooding on May 19, 2020 caused approximately 15 feet of water to completely flood the basement of the Vaydiks' home. The washer, dryer, and water heater had to be replaced. Other personal items, such as books,

were destroyed; the Vaydik family spent approximately 50 hours cleaning and removing items that had to be disposed of.

1277. In addition to the damage to their property, the Vaydiks have suffered a loss of the use and enjoyment of the property and a loss of actual value to their property.

Voakes, Michael and Allison

1278. Plaintiffs, Michael and Allison Voakes, are residents of New Baltimore, Michigan and the owners of a parcel of real property located at 13 East Lakeshore Drive, Tobacco Township, Michigan. Mr. Voakes works in finance and Mrs. Voakes is a teacher. They live with their three daughters.

1279. The Voakeses have owned their Tobacco Township property since 2012. They maintained a three-season 1350-square-foot cottage constructed of a wood frame with vinyl siding and a wood deck, along with a detached garage, two sheds, a dock, and a boat hoist on the property. The property is located on Wixom Lake with 60 feet of frontage.

1280. The flooding on May 19, 2020 caused over 25 inches of water to flood the Voakes' cottage and over 17 inches of water to flood the garage. All of the contents of the home were destroyed, and most of the drywall and insulation had to be removed. The flooring was destroyed. The deck, dock, and boat hoists were also damaged.

1281. In addition to the damage to their property, the Voakeses have suffered a loss of use and enjoyment of their property and a loss of actual value to their property.

Wagner, Bethany

1282. Plaintiff Bethany Wagner is a resident of Gladwin, Michigan and the owner of a parcel of real property located at 3353 Lakeshore Drive. Ms. Wagner is a retired educator and police officer.

1283. Ms. Wagner has owned her property since approximately 1995. The property is located on Secord Lake with approximately 100 feet of frontage. Ms. Wagner resides in a cinderblock cottage on the water. She also maintains a barn on her property where she stores recreational items such as golf carts, inflatable watercraft, and bicycles.

1284. The flooding on May 19, 2020 caused approximately a foot of water to flood Ms. Wagner's home, ruining the cement slab the cottage was built on. The walls of the home are falling apart, and the contents of Ms. Wagner's home were destroyed.

1285. In addition to the damage to her property, Ms. Wagner has suffered a loss of use and enjoyment of her property and a loss of actual value to her property.

Waltz, Dan and Patricia

1286. Plaintiffs Dan and Patricia Waltz are residents of Sanford, Michigan and the owner of a parcel of real property located at 4823 North Anna Lane.

1287. Mr. Waltz and his wife, Patricia, have owned their property since 2014. They live in a two-story ranch-style home constructed of a wood frame and vinyl siding with a walkout basement and addition of a great room and two-car garage. The property is located on Sanford Lake with 100 feet of frontage. They also maintain two sheds on the property.

1288. The flooding on May 19, 2020 caused approximately 12-15 feet of water to enter the Waltzes' property. One of the sheds on the property floated away. Mr. Waltz, a fisherman, was able to save his two boats, but his boat lifts were destroyed along with the water pump for his irrigation system. Mr. Waltz can no longer fish on the lake, which ran dry after the recession of the floodwater, and he sold his pontoon boat at a significant financial loss.

1289. In addition to the damage to his property, the Waltzes has suffered a loss of the use and enjoyment of his property and a loss of actual value to his property. The Plaintiffs had planned to sell their house prior to the flood; now, selling the home and retirement are no longer financially viable.

Wang, Weikang

1290. Plaintiff Weikang Wang is a resident of Midland, Michigan and the owner of a parcel of real property located at 3001 Camberley Lane. Mr. Wang is a college professor.

1291. Mr. Wang has owned his property since 2010. The property is located approximately 2.5 miles away from the Tittabawassee River. Mr. Wang and his family reside in a brick home with a basement and garage on the property.

1292. The flooding on May 19, 2020 caused approximately seven feet of water to completely flood the basement of Mr. Wang's home. The drywall and flooring were completely destroyed, and all of the contents of the basement had to be discarded.

1293. In addition to the damage to his property, Mr. Wang has suffered a loss of the use and enjoyment of his property and a loss of actual value to his property.

Warren, Jan and Mike

1294. Plaintiffs Jan and Mike Warren are residents of Midland, Michigan and the owner of a parcel of real property located at 3304 Thornbrook Court.

1295. The Warrens have owned their property since 2014. They reside in a condominium constructed of brick and wood and located across the street from the Tittabawassee River.

1296. The flooding on May 19, 2020 caused water to completely flood the basement of the Warrens' home and approximately 2 feet of water to flood the main floor of the home. The Warrens were forced to leave their home and stay with family. Three out of four walls in the basement collapsed. All of the contents of the basement and first floor were ruined, including but not limited to beds with head and foot boards, dressers and chests of drawers, jewelry stand, cupboards, doors, dining tables and chairs, leather recliner chairs, sofas and couches, coffee and end tables, televisions, curio cabinets, books and bookshelves, appliances, and clothing. Much of the Warrens' furniture was of handmade Amish construction. Both of the Warrens' vehicles, a 2012 GMC Terrain and a 2017 Chevy Equinox, were totaled. The entire structure of the condominium was condemned, and the condominium association voted not to rebuild the complex.

1297. In addition to the damage to their property, the Warrens have suffered a loss of the use and enjoyment of their property and a loss of actual value to their property.

Weatherington, Ron

1298. The Plaintiff Ron Weatherington is a resident of Gladwin Michigan where he owns a parcel of real property at 1533 Loebrich Drive.

1299. The flooding on May 19, 2020 caused Plaintiffs to suffer property damage and reduced the value of their property.

Weiss, Marilyn

1300. Plaintiff Marilyn Weiss is a resident of Midland, Michigan; she resides at 6011 Sturgeon Avenue with her partner, Plaintiff Neil Eicher. Ms. Weiss is retired.

1301. The flooding on May 19, 2020 caused water to flood Ms. Weiss and Mr. Eicher's home, destroying a great deal of Ms. Weiss's personal property including, but not limited to, her computer, her phone system, her camera, original artwork, antique furniture, luggage, books, clothing, blankets, china dishes, photo albums including her wedding album, and appliances.

1302. In addition to the damage to her personal property, Ms. Weiss has suffered a loss of the use and enjoyment of her property and a loss of actual value to her home.

Wilde, David and Anna

1303. Plaintiffs David and Anna Wilde are residents of Clinton Township, Michigan and the owners of a parcel of real property located at 520 Bushong Beach Drive, Gladwin, Michigan.

1304. The Wildes have owned the property since 1992. The property is located on Smallwood Lake with 80 feet of frontage. The Wildes and their children and grandchildren enjoyed the use of a 1800-square-foot home constructed of a wood frame with aluminum siding. They also maintained a four-car garage, a boat hoist with an electric lift, a dock on the lake, and a pump house on the property.

1305. The flooding on May 19, 2020 caused water to flood the front yard and the garage. The electric boat hoist and water pump were damaged by the floodwater.

1306. In addition to the damage to his property, the Wildes have suffered a loss of the use and enjoyment of his property and a loss of actual value to his property.

Willard, Ron and Linda

1307. Plaintiffs, Ron and Linda Willard, are residents of Saginaw, Michigan and the owners of a parcel of real property located at 7151 Helen Street. They are both retired.

1308. The Willards have owned their property since 1992. The property is located approximately three-fourths of a mile from the Tittabawassee River. The Willards live in a four-bedroom ranch home with an attached garage, a

detached garage, an outbuilding, and a built-in pool. They also maintain a tool shed and gazebo on the property.

1309. The flooding on May 19, 2020 caused approximately 1.5 feet of water to flood the Willards' property and outbuilding. The water destroyed lawn equipment, including but not limited to a tractor.

1310. In addition to the damage to their property, the Willards have suffered a loss of the use and enjoyment of their property and a loss of actual value to their property.

Willis, James and Jean

1311. Plaintiffs, James and Jean Willis, are residents of Midland, Michigan and the owners of a parcel of real property located at 5001 Christie Court. They are both retired educators.

1312. The Willises have owned their property since 1984. The property is located approximately one mile from the Tittabawassee River. The Willards live in a single-family ranch-style home with a finished attached garage used as living quarters and a basement, which was used as an office, laundry room, and recreation room. They also maintained a detached garage and two outbuildings used for storage on the property.

1313. The flooding of May 19, 2020 caused approximately three feet of water to flood the basement of the Willises' home. All of the contents of the

basement were destroyed, including but not limited to freezers, dehumidifiers, books, electronics, photographs, and personal records. The furnace and hot water heater required repair.

1314. In addition to the damage to their property, the Willises have suffered a loss of the use and enjoyment of their property and a loss of actual value to their property.

Wise, Adrian and Jillian

1315. Plaintiffs, Adrian and Jillian Wise, are residents of Frankenmuth, Michigan and the owners of a parcel of real property located at 5514 Oakridge Drive, Beaverton, Michigan.

1316. The Wises have owned their property since 2014. The property is located on Wixom Lake with approximately 75 feet of canal frontage on a peninsula. The Wises had a 1000-square-foot cottage, a garage, and a guest house on their property.

1317. The flooding on May 19, 2020 caused water to completely cover the Wises' property, flooding the home, garage, and guest house. All of the contents of all three structures were destroyed, and all three structures had to be gutted and rebuilt. The Wises' Sea-Doo watercraft was also destroyed.

1318. In addition to the damage to their property, the Wises have suffered a loss of the use and enjoyment of their property and a loss of actual value to their property.

Wissmueller, Martin and Donna

1319. Plaintiffs, Martin and Donna Wissmueller, are residents of Sanford, Michigan and the owners of a parcel of real property located at 2809 North Little Canal Drive. They are both retired.

1320. The Wissmuellers have owned their property since 1994. The property is located on Sanford Lake with 45 feet of frontage and a large natural pond. The Wissmuellers live in a two-story home constructed of a wood frame with vinyl siding and decorative stucco. The first floor has a family room, den, office, utility room, and walkout patio. The second floor has a kitchen, living room, dining room, breakfast nook, master suite with a fireplace and full bath, two guest bedrooms, a full bathroom, and a laundry room. The second floor also has a large wood deck overlooking the lake and pond. Underneath the deck was a brick-paved patio. On the first floor there is also a two-car garage with a workshop and hobby area. There is also a shed, a storage rack for kayaks, canoes, and sailboats, two docks, a boat hoist, and a workshop on the property. Prior to the flooding of May 19, 2020, the Wissmuellers' children and grandchildren would vacation at their home.

1321. The flooding of May 19, 2020 caused approximately eight feet of water to flood the first floor of the Wissmuellers' home. The water reached the upstairs landing. The garage was completely flooded. All of the contents of the garage and first floor of the home were completely destroyed including photo albums, family mementos, and financial records. The first floor had to be completely gutted down to the studs and rebuilt, as well as cleaned and treated with anti-microbial agent. All of the electrical wiring, drywall, HVAC system (water heater, furnace, air conditioning unit, and generator), insulation, windows, doors, flooring, carpeting, stairs, fixtures, and furniture were destroyed and had to be replaced. The Wissmuellers' pop-up camper and its contents were also completely destroyed, and their motorboat, dock, and boat hoist were damaged.

1322. The flood also damaged the Wissmullers yard and landscaping. There was one to six inches of soil covering their entire yard killing a majority of their lawn. Additionally, they are noticing that some of the trees on the property are beginning to die due to the low water level of the lake. The natural pond on their property is also drained due to the low water level which has reduced the wildlife typically on the property.

1323. In addition to the damage to their property, the Wissmuellers have suffered a loss of the use and enjoyment of their property and a loss of actual value to their property.

Wolfgang, Kristin and Tyler

1324. Plaintiffs, Kristin and Tyler Wolfgang, are residents of Saginaw, Michigan and the owners of a parcel of real property located at 5625 Stroebel Road.

1325. The Wolfgangs have owned their property since 2019. The property is located across the street from the Tittabawassee River. The Wolfgangs live in a 3200-square-foot home constructed of a wood frame with vinyl siding on a cement slab. They also have a six-car garage and a chicken coop and shed on their property.

1326. The flooding on May 19, 2020 caused approximately 12-18 inches to flood the main level of the Wolfgangs' home. All of the contents of the home were destroyed and the entire house had to be gutted and rebuilt.

1327. In addition to the damage to their property, the Wolfgangs have suffered a loss of the use and enjoyment of their property and a loss of actual value to their property.

Wood, Bernadette and Rodney

1328. Plaintiffs Rodney and Bernadette Wood are residents of Sanford, Michigan and the owners of three parcels of real property located at 2690 Lakeview Drive, 2818 North Lakeview Drive, and Lots 20 and 21 of the Sandy Beach Annex.

1329. The Woods purchased 2690 Lakeview Drive in 1992, 2818 North Lakeview Drive in 1999, and Lots 20 and 21 in 2015. They own a two-bedroom home with an enclosed front porch and detached garage at 2690 Lakeview Drive, which they rent out to tenants, and a two-story three-bedroom cedar-sided home with a full basement, an attached and heated garage, and a porch at 2818 North Lakeview Drive, which is their primary residence. All of the properties are located on Sanford Lake.

1330. The flooding on May 19, 2020 caused three inches of water to flood the basement of the Woods' primary residence at 2818 North Lakeview Drive.

1331. In addition to the damage to their property, the Woods have suffered a loss of the use and enjoyment of their property, a loss of actual value to their property, and a loss of rental income from their rental property.

Worsley, Michelle and Russell

1332. Plaintiffs, Michelle and Russell Worsley, are residents of Midland, Michigan and the owners of a parcel of real property located at 3812 Haskin Drive.

1333. The Worsleys have owned their property since 1996. The property is located in the City of Midland. The Worsleys live with their children in a 1450-square-foot brick ranch-style home. The property also has a four-car detached garage, an above-ground pool with a deck, and a partially covered patio.

1334. The flooding on May 19, 2020 caused water to completely flood the basement of the Worsleys' home and approximately a foot of water to flood the main floor. All of the contents of the basement were destroyed and the basement had to be completely gutted, including replacement of drywall, studs, flooring, the hot water tank, the heating system, and other appliances, fixtures, and structural components. The flooring of the main floor had to be replaced, and the drywall required extensive repair. The Worsleys lost numerous items including but not limited to beds, dressers, side tables, televisions, couches, chairs, a built-in fireplace and entertainment center, clothing, bedding, linens, seasonal decorations, safes, guns, kitchenware, exercise equipment, clothing, shoes, stereos, a ping-pong table, a foosball table,

an air hockey table, a pool table, and irreplaceable personal items such as photographs, scrapbooks, trophies and medals.

1335. In addition to the damage to their property, the Worsleys have suffered a loss of the use and enjoyment of their property and a loss of actual value to their property.

Wright, Andrew

1336. Plaintiff Andrew Wright is a resident of Lincoln Park, Michigan and the owner of a parcel of real property located at 1493 Hay Street, Beaverton, Michigan. Mr. Wright and his wife, Karen, are retired.

1337. Mr. Wright has owned his property since 1999. The property is located on the Tittabawassee River with 62 feet of frontage. Mr. Wright intended the home to become his and his wife's retirement home; it was their dream to retire on the river where their children and grandchildren could come visit and enjoy the waterfront. He and his wife finally paid off the home in 2020, just before the flood. They maintained a 1000-square-foot home, a shed, a dock, and a seawall on the property.

1338. The flooding on May 19, 2020 destroyed the shed, dock, and seawall.

1339. In addition to the damage to his property, Mr. Wright has suffered a loss of the use and enjoyment of his property and a loss of actual value to his property.

Yahrmarkt, Robert

1340. Plaintiff, Robert Yahrmarkt, is a resident of Edenville, Michigan and the owner of a parcel of real property located at 6687 North M-30. Mr. Yahrmarkt is retired.

1341. Mr. Yahrmarkt has owned his property since 1983. The property is located on Sanford Lake with river frontage. Mr. Yahrmarkt resides in a three-story home constructed of a combination of wood and block frame. The home has two walkouts and the property has two sheds and a boat launch and dock on the river.

1342. The flooding on May 19, 2020 caused approximately 1.5 feet of water to flood the main floor of Mr. Yahrmarkt's home. All of the contents of the home were destroyed including but not limited to appliances, furniture in the bedroom, kitchen, dining room, and living room, the furnace, hot water heater, and clothing. The drywall, insulation, and flooring had to be replaced. Mr. Yahrmarkt's boat hoist and 1962 antique boat were destroyed.

1343. In addition to the damage to his property, Mr. Yahrmarkt has suffered a loss of the use and enjoyment of his property and a loss of actual value to his property.

COUNT I

Violation of 16 U.S.C. §§ 803 and 808: Negligent Entrustment - FERC Failed in its Mandatory Duty to License a Dam Operator Only if it Determines that the Proposed Operator Can Operate the Dam Safely

1344. The failure of the Edenville Dam was not inevitable and, but for Defendant FERC's decision to entrust the Dam to Boyce without vetting, the disaster could have been avoided.

1345. Defendant FERC negligently entrusted the Dam to Boyce by granting Boyce a license without following the mandatory pretransfer investigation and approval process.

1346. Defendant's decision to entrust the Dam to Boyce, in the first instance, renders Defendant liable for negligent entrustment under Michigan law.

1347. On the day that the Edenville Dam collapsed, FERC and the Michigan Department of Environment, Great Lakes, and Energy (EGLE) jointly regulated the hydroelectric power dams on Wixom, Secord, Smallwood and Sanford Lakes (Four Lakes).

1348. FERC, for 27 years before May 19, 2020, knew that the unrepaired Edenville Dam was a dangerous instrumentality that posed a grave risk of harm to Michigan residents and property owners living downstream.

1349. FERC had a mandatory duty under the Federal Power Act (“FPA”) and its regulations to determine whether Boyce, as operator of the Four Lakes hydroelectric dam operations, had the financial ability and expertise to “manage, operate, and maintain the project safely.” 16 U.S.C. § 808(2)(B).

1350. FERC granted Boyce a license to operate the Edenville Dam in 2007 without making this mandatory assessment.

1351. If FERC had made the required assessment, it would not have negligently entrusted the operation of the dam to Boyce.

1352. At that time, and throughout the entirety of FERC’s exercise of jurisdiction over it, the Edenville Dam was rated by FERC as a “High Hazard Dam” because its failure would cause loss of human life.

1353. When FERC transferred the license to Boyce it knew it was permitting it to be the operator of a dangerous instrumentality unless the necessary repairs and upgrades were made.

1354. On June 18, 2020, FERC Chairman Neil Chatterjee admitted in testimony before Congress that FERC had issued a license to Boyce to operate

the Edenville Dam without complying with its mandatory statutory obligation to first determine if it could manage, operate, and maintain the dam safely.

1355. Within a short time after receiving its license to operate, Boyce, through its flagrant non-compliance with FERC orders to make the Edenville Dam safe, demonstrated to FERC that it did not have the financial resources, know-how, willingness, or good faith motivation to eliminate the characteristics of the dam which made it a dangerous instrumentality or to carry out its operations safely.

1356. The collapse of the Edenville Dam on May 19, 2020 was the direct result of FERC's failure to comply with the legal mandate to grant a license only to a financially sound and competent operator who would operate a High Hazard Dam safely. If FERC had followed its mandate, the disaster would not have occurred because Boyce would not have been granted a license.

1357. Boyce's repeated recalcitrance, unwillingness, or inability to repair, operate and maintain the Dam in a safe manner caused the Dam to collapse. FERC's negligent failure to comply with its mandatory duty to determine Boyce's fitness to operate the dam is a direct and proximate cause for the injuries and damages experienced by Plaintiffs.

1358. The Federal Tort Claims Act provides that the "United States shall be liable, respecting the provisions of this title relating to tort claims, in the

same manner and to the same extent as a private individual under like circumstances, but shall not be liable for interest prior to judgment or for punitive damages.” 28 U.S.C. § 267.

1359. Michigan recognizes the tort doctrine of negligent entrustment. The two elements of the tort are that the entrustor (FERC) negligently entrusted the dangerous instrumentality (Edenville Dam) to the entrustee (Boyce) and the entrustee (Boyce) negligently or recklessly misused the instrumentality. *Allstate Ins. Co. v. Freeman*, 160 Mich. App. 349, 357, 408 N.W.2d 153 (1987), *aff'd* 432 Mich. 656, 443 N.W.2d 734 (1989), *mod* 433 Mich. 1202, 446 N.W.2d 291 (1989).

1360. FERC had a mandatory duty to grant Boyce a license in the first instance only if it determined that Boyce was fit to operate a High Hazard Dam safely. FERC never fulfilled this mandatory statutory obligation.

1361. The Edenville Dam was rated a High Hazard dam and in failing to follow this statutory mandate, FERC negligently entrusted the ultra-hazardous activity to Boyce who recklessly misused its license.

1362. A reasonably prudent licensor would have required Boyce to make the necessary upgrades and repairs to render the dam safe *before* it issued Boyce a license.

1363. In addition, FERC violated its mandatory duty as a licensor every day that it allowed Boyce to continue operating the Edenville Dam under a federal license despite knowing that Boyce did not maintain the project in a manner best adapted to a comprehensive plan for flood control. 16 U.S.C. § 803(a)(1).

1364. FERC is therefore liable for the damages it caused by entrusting the operation of a High Hazard dam to an unfit and reckless dam operator in the first instance (in violation of FERC's mandatory duties under § 808) and by continuing to permit the licensee to operate the dam in a manner that was not suited to a plan for flood control (in violation of FERC's mandatory duties under § 803).

COUNT II

Violation of 16 U.S.C. § 823b: FERC Failed in its Mandatory Duty to Monitor the Integrity of Dams Under its Jurisdiction-Negligence

1365. The FPA, 16 U.S.C. § 823b, provides that the "Commission [FERC] shall monitor and investigate compliance with each license and permit issued under this subchapter..."

1366. This duty to "monitor" includes the obligation to monitor the integrity of dams under its jurisdiction.

1367. Prompt detection and evaluation of information from instrumentation and physical monitoring is critical to a timely emergency response.

1368. When a dam is not continuously attended and an incident could endanger life or cause significant property damage, it is imperative that instrumentation be installed and/or procedures developed to monitor the conditions of the facility.

1369. To promptly identify and notify emergency management authorities of emergency conditions, FERC has a mandatory statutory obligation to work with the dam owner and co-jurisdictional authorities to detect, confirm and evaluate developing conditions.

1370. This obligation may include the installation of remote surveillance systems that include instrumentation for continuous monitoring of conditions.

1371. At the time of the Edenville Dam collapse, despite these mandatory requirements, FERC and Boyce had in place either inadequate or non-existent emergency surveillance and monitoring instrumentation or procedures and it was this failure which contributed to the dam's demise.

1372. In the days and weeks prior to the failure of the Edenville Dam, FERC was aware of the weather reports for the Midland Region, and notwithstanding its knowledge of the dangers posed by excessive rainfall, failed

to use ordinary care in caring out its mandatory obligation to monitor the integrity of dam structures under its jurisdiction. As a result of this negligence, Plaintiffs experienced a substantial loss of property.

1373. In recognition of this obligation to monitor dam integrity, FERC on May 20, 2020, the day after the Edenville Dam collapse, ordered Boyce to lower the water level of Sanford, Smallwood and Secord reservoirs.

1374. FERC had the authority to order Boyce to draw down the reservoirs of the Smallwood, Secord and Sanford dams as demonstrated by the May 20, 2020 post Edenville Dam collapse orders of FERC Engineer Mr. Capka.

1375. Had FERC exercised this authority to order a draw down in a competent and non-negligent manner before May 20, 2020, the Edenville Dam disaster could have been prevented.

1376. FERC's failure to exercise its authority to order a draw down directly caused the catastrophic flooding that resulted from the failure of the Edenville Dam.

REQUEST FOR RELIEF

Accordingly, Plaintiffs request an order awarding all Plaintiffs damages for the property damage and emotional distress caused by FERC's negligence as described above.

Respectfully submitted,

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